

# FEDERAL REGISTER

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## Contents

### THE PRESIDENT

#### Proclamations

|                                                                        |      |
|------------------------------------------------------------------------|------|
| Modifications of trade agreement concessions and adjustment of duties: |      |
| Certain machine-woven pile floor coverings.....                        | 2789 |
| Cylinder, crown, and sheet glass.....                                  | 2791 |

### EXECUTIVE AGENCIES

#### Agricultural Marketing Service

|                                                                                         |      |
|-----------------------------------------------------------------------------------------|------|
| NOTICES:                                                                                |      |
| Greeley Producers Livestock Marketing Ass'n et al.; proposed posting of stockyards..... | 2812 |
| PROPOSED RULE MAKING:                                                                   |      |
| Packers and stockyards; registration, bonding, and related matters.....                 | 2802 |

#### Agricultural Research Service

|                                                                                    |      |
|------------------------------------------------------------------------------------|------|
| RULES AND REGULATIONS:                                                             |      |
| Declaration of certain forms of plant and animal life and viruses to be pests..... | 2793 |

#### Agricultural Stabilization and Conservation Service

|                                                                                                                                                                                                                    |      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| NOTICES:                                                                                                                                                                                                           |      |
| Hybrid corn and hybrid sorghum seed; program for diversion.....                                                                                                                                                    | 2812 |
| PROPOSED RULE MAKING:                                                                                                                                                                                              |      |
| Milk in certain marketing areas: Greater Boston, Springfield, and Worcester, Mass., and Connecticut and Southeastern New England; hearing on proposed amendments to tentative marketing agreements and orders..... | 2802 |
| Youngstown-Warren marketing area; suspension of certain provisions of order.....                                                                                                                                   | 2803 |
| RULES AND REGULATIONS:                                                                                                                                                                                             |      |
| Hybrid corn and hybrid sorghum seed; program for diversion; terms and conditions for making payments; cross reference.....                                                                                         | 2793 |

### Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

### Army Department

See Engineers Corps.

### Bonneville Power Administration

|                                 |      |
|---------------------------------|------|
| NOTICES:                        |      |
| Redelegations of authority..... | 2811 |

### Civil Aeronautics Board

|                                                                                                                 |      |
|-----------------------------------------------------------------------------------------------------------------|------|
| NOTICES:                                                                                                        |      |
| Hearings, etc.:                                                                                                 |      |
| Agreement adopted by joint conference of International Air Transport Association; specific commodity rates..... | 2815 |
| Alaska Airlines, Inc.....                                                                                       | 2814 |
| Slick Airways, Inc., and Flying Tiger Line, Inc.....                                                            | 2815 |

### Civil Service Commission

|                                                                                               |      |
|-----------------------------------------------------------------------------------------------|------|
| RULES AND REGULATIONS:                                                                        |      |
| Retention preference regulations for use in reduction in force; coverage and definitions..... | 2793 |

### Commodity Credit Corporation

|                                                                                                                                                     |      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------|
| NOTICES:                                                                                                                                            |      |
| Directors of Agricultural Stabilization and Conservation Service Commodity Offices et al.; designation of agents to receive service of process..... | 2814 |

### Customs Bureau

|                                                                          |      |
|--------------------------------------------------------------------------|------|
| NOTICES:                                                                 |      |
| Cotton textiles; restrictions on entry or withdrawal from warehouse..... | 2809 |
| RULES AND REGULATIONS:                                                   |      |
| Cotton textiles; restrictions on entry or withdrawal from warehouse..... | 2795 |

### Emergency Planning Office

|                                           |      |
|-------------------------------------------|------|
| NOTICES:                                  |      |
| California; notice of major disaster..... | 2823 |

### Engineers Corps

|                                                     |      |
|-----------------------------------------------------|------|
| RULES AND REGULATIONS:                              |      |
| Anchorage; Vineyard and Nantucket Sounds, Mass..... | 2800 |

### Federal Aviation Agency

|                                                               |      |
|---------------------------------------------------------------|------|
| NOTICES:                                                      |      |
| Proposed radio antenna structure; hearing.....                | 2815 |
| PROPOSED RULE MAKING:                                         |      |
| Administrative regulations.....                               | 2803 |
| Restricted area; alteration.....                              | 2808 |
| RULES AND REGULATIONS:                                        |      |
| Instrument flight rules; course to be flown.....              | 2794 |
| Restricted area; alteration.....                              | 2794 |
| Restricted area and continental control area; alteration..... | 2794 |

### Federal Communications Commission

|                                                                            |      |
|----------------------------------------------------------------------------|------|
| NOTICES:                                                                   |      |
| Cotton, James R.; order to show cause.....                                 | 2816 |
| Hearings, etc.:                                                            |      |
| Grand Broadcasting Co. et al.....                                          | 2816 |
| Greenwich Broadcasting Corp. et al.....                                    | 2816 |
| Hershey Broadcasting Co. et al.....                                        | 2817 |
| Iowa City Broadcasters, Inc., et al.....                                   | 2817 |
| Peninsula Television Relay Corp. and Eastern Shore Microwave Relay Co..... | 2817 |
| Pioneer States Broadcasters, Inc.....                                      | 2817 |
| South Minneapolis Broadcasters.....                                        | 2817 |
| Triangle Publications, Inc. (WNHC-TV).....                                 | 2817 |
| Veterans Broadcasting Co., Inc., et al.....                                | 2818 |
| Western Broadcasting Co. and R. L. McAlister.....                          | 2818 |
| Willamette - Land Television, Inc.....                                     | 2818 |

(Continued on next page)



## Federal Communications Commission—Continued

### PROPOSED RULE MAKING:

|                                                                                                                                                      |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Table of assignments, television broadcast stations; Augusta, Bangor, Calais, and Presque Isle, Maine; order extending time for filing comments..... | 2808 |
|------------------------------------------------------------------------------------------------------------------------------------------------------|------|

## Federal Power Commission

### NOTICES:

#### Hearings, etc.:

|                                                       |      |
|-------------------------------------------------------|------|
| Seneca Gas Company of West Virginia, Inc., et al..... | 2819 |
| Tidewater Oil Co. et al.....                          | 2819 |
| United Fuel Gas Co.....                               | 2821 |

## Fish and Wildlife Service

### RULES AND REGULATIONS:

|                                                                |      |
|----------------------------------------------------------------|------|
| Washita National Wildlife Refuge, Oklahoma; sport fishing..... | 2801 |
|----------------------------------------------------------------|------|

## Food and Drug Administration

### NOTICES:

|                                                                                                                                              |      |
|----------------------------------------------------------------------------------------------------------------------------------------------|------|
| Mayonnaise, french dressing, and salad dressing deviating from identity standards; issuance of temporary permit to cover market testing..... | 2814 |
|----------------------------------------------------------------------------------------------------------------------------------------------|------|

### PROPOSED RULE MAKING:

|                                                        |      |
|--------------------------------------------------------|------|
| Food additives; filing of petitions (2 documents)..... | 2802 |
|--------------------------------------------------------|------|

### RULES AND REGULATIONS:

|                                           |      |
|-------------------------------------------|------|
| Amprolium in chicken and turkey feed..... | 2799 |
|-------------------------------------------|------|

|                                                    |      |
|----------------------------------------------------|------|
| Food additives in animal feed and supplements..... | 2799 |
| Habit-forming drugs; miscellaneous amendments..... | 2798 |

## Health, Education, and Welfare Department

See Food and Drug Administration.

## Interior Department

See Bonneville Power Administration; Fish and Wildlife Service; Land Management Bureau.

## Interstate Commerce Commission

### NOTICES:

|                                             |      |
|---------------------------------------------|------|
| Fourth section applications for relief..... | 2822 |
| Motor carrier transfer proceedings.....     | 2823 |

## Land Management Bureau

### RULES AND REGULATIONS:

|                                                                                   |      |
|-----------------------------------------------------------------------------------|------|
| New Mexico; withdrawal of lands for use of Army Department for flood control..... | 2800 |
|-----------------------------------------------------------------------------------|------|

## Post Office Department

### NOTICES:

|                              |      |
|------------------------------|------|
| Delegation of authority..... | 2811 |
|------------------------------|------|

## Securities and Exchange Commission

### NOTICES:

|                               |      |
|-------------------------------|------|
| Potomac Edison Co. et al..... | 2823 |
|-------------------------------|------|

## Small Business Administration

### NOTICES:

|                                               |      |
|-----------------------------------------------|------|
| West Virginia; disaster area declaration..... | 2818 |
|-----------------------------------------------|------|

### RULES AND REGULATIONS:

#### Loans:

|               |      |
|---------------|------|
| Business..... | 2793 |
| Disaster..... | 2793 |

## Social Security Administration

### RULES AND REGULATIONS:

|                                   |      |
|-----------------------------------|------|
| Employees' benefits; procedures.. | 2795 |
|-----------------------------------|------|

## Treasury Department

See also Customs Bureau.

### NOTICES:

Fair value determinations; automobiles:

|                                       |      |
|---------------------------------------|------|
| Fiats from Italy.....                 | 2810 |
| Ford Anglias from United Kingdom..... | 2810 |
| Hillmans from England.....            | 2809 |
| M.G.A.s from United Kingdom.....      | 2810 |
| Opels from West Germany.....          | 2810 |
| Vauxhalls from United Kingdom.....    | 2811 |

# Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

## 3 CFR

|                                                                       |      |
|-----------------------------------------------------------------------|------|
| PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS: |      |
| Letter Mar. 16, 1962 (see F.R. Doc. 62-3033).....                     | 2809 |

### PROCLAMATIONS:

|                                     |            |
|-------------------------------------|------------|
| 2761A (see Procs. 3454 and 3455)... | 2789, 2791 |
| 3140 (see Procs. 3454 and 3455)...  | 2789, 2791 |
| 3454.....                           | 2789       |
| 3455.....                           | 2791       |

## 5 CFR

|         |      |
|---------|------|
| 20..... | 2793 |
|---------|------|

## 6 CFR

|            |      |
|------------|------|
| 1-540..... | 2793 |
|------------|------|

## 7 CFR

|                 |      |
|-----------------|------|
| 362.....        | 2793 |
| PROPOSED RULES: |      |
| 1001.....       | 2802 |
| 1006.....       | 2802 |
| 1007.....       | 2802 |
| 1014.....       | 2802 |
| 1015.....       | 2802 |
| 1048.....       | 2803 |

## 9 CFR

### PROPOSED RULES:

|          |      |
|----------|------|
| 201..... | 2802 |
|----------|------|

## 13 CFR

|          |      |
|----------|------|
| 120..... | 2793 |
| 123..... | 2793 |

## 14 CFR

|                        |      |
|------------------------|------|
| 60.....                | 2794 |
| 601.....               | 2794 |
| 608 (2 documents)..... | 2794 |

### PROPOSED RULES:

|                |      |
|----------------|------|
| 171 [New]..... | 2803 |
| 173 [New]..... | 2803 |
| 175 [New]..... | 2803 |
| 177 [New]..... | 2803 |
| 179 [New]..... | 2803 |
| 401.....       | 2803 |
| 414.....       | 2803 |
| 415.....       | 2803 |
| 418.....       | 2803 |
| 608.....       | 2808 |
| 612.....       | 2803 |

## 19 CFR

|         |      |
|---------|------|
| 12..... | 2795 |
|---------|------|

## 20 CFR

|          |      |
|----------|------|
| 422..... | 2795 |
|----------|------|

## 21 CFR

|          |      |
|----------|------|
| 1.....   | 2798 |
| 121..... | 2799 |
| 131..... | 2798 |
| 146..... | 2799 |
| 165..... | 2798 |

### PROPOSED RULES:

|                        |      |
|------------------------|------|
| 121 (2 documents)..... | 2802 |
|------------------------|------|

## 33 CFR

|          |      |
|----------|------|
| 202..... | 2800 |
|----------|------|

## 43 CFR

|                     |      |
|---------------------|------|
| PUBLIC LAND ORDERS: |      |
| 2637.....           | 2800 |

## 47 CFR

|                 |      |
|-----------------|------|
| PROPOSED RULES: |      |
| 3.....          | 2808 |

## 50 CFR

|         |      |
|---------|------|
| 33..... | 2801 |
|---------|------|



# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3454

#### MODIFICATION OF TRADE AGREEMENT CONCESSION AND ADJUSTMENT OF DUTY ON CERTAIN MACHINE-WOVEN PILE FLOOR COVERINGS

By the President of the United States of America

#### A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), on October 30, 1947 the President entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade, including a schedule of United States concessions, and the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, together with a Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Pts. 5 and 6) A7, A11, and A2051), and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (Pt. 2) 1103) be proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out that agreement on and after January 1, 1948, which proclamation has been supplemented by several subsequent proclamations;

2. WHEREAS the said General Agreement has been supplemented by several subsequent agreements, including the Sixth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade of May 23, 1956 (7 UST (Pt. 2) 1086), and the President, by Proclamation No. 3140 of June 13, 1956 (70 Stat. C33), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said agreements on and after June 30, 1956;

3. WHEREAS the trade agreement specified in the second recital of this proclamation included a supplementary schedule of United States concessions, hereinafter referred to as "Schedule XX-1956";

4. WHEREAS the prevailing United States tariff concession under the General Agreement on Tariffs and Trade, as supplemented, on

Wilton carpets, rugs, and mats; Brussels carpets, rugs and mats; velvet or tapestry carpets, rugs, and mats; and carpets, rugs, and mats of like character or description

(hereinafter referred to as "the designated machine-woven pile floor coverings") is included in item 1117(a) in Part I of Schedule XX-1956, and the current United States duty reflecting the said prevailing tariff concession is that specified in Column "C" of said item 1117(a);

5. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. 7-104 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), on the basis of which investigation, and a hearing held in connection therewith, the Commission has found that, as a result in part of the duty reflecting the concession referred to in the fourth recital of this proclamation, the designated machine-woven pile floor coverings are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like products; and that, in order to remedy serious injury to such industry, it is necessary to increase the



duty on the designated machine-woven pile floor coverings to 40 per centum ad valorem;

6. WHEREAS, upon the modification of the said item 1117(a) in Part I of Schedule XX-1956 as hereinafter proclaimed, it will be appropriate, to carry out the said General Agreement, to apply to the designated machine-woven pile floor coverings a duty of 40 per centum ad valorem:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority vested in me by section 350(a) of the Tariff Act of 1930, as amended, and by section 7(c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement, do proclaim that, effective after the close of business April 18, 1962, and until the President otherwise proclaims—

(a) the descriptions of products in the said item 1117(a) in Part I of Schedule XX-1956 and the pertinent rate in column "C" are hereby modified to read as follows:

| Tariff Act of 1930, paragraph | Description of Products                                                                                                                                                                                                                                                             | Rates of Duty |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|                               |                                                                                                                                                                                                                                                                                     | C             |
| 1117(a)                       | Axminster carpets, rugs, and mats, not specially provided for; Wilton carpets, rugs, and mats; Brussels carpets, rugs, and mats; velvet or tapestry carpets, rugs, and mats; and carpets, rugs, and mats, of like character or description; all the foregoing, regardless of value: |               |
|                               | Axminster carpets, rugs, and mats, not specially provided for, and carpets, rugs, and mats, like such Axminster carpets, rugs, and mats in character or description.....                                                                                                            | 21% ad val.   |
|                               | Other.....                                                                                                                                                                                                                                                                          | 40% ad val.   |

and

(b) the provisions of item 1117(a) in Part I of Schedule XX-1956, as modified by (a) above, shall be applied and all inconsistent provisions of proclamations of the President heretofore issued under the authority of section 350 of the Tariff Act of 1930 are suspended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of March in the year of our Lord nineteen hundred and sixty-two, and  
[SEAL] of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,  
*Acting Secretary of State.*

[F.R. Doc. 62-2966; Filed, Mar. 26, 1962; 10:28 a.m.]



## Proclamation 3455

## MODIFICATION OF TRADE AGREEMENT CONCESSIONS AND ADJUSTMENT OF DUTIES ON CYLINDER, CROWN, AND SHEET GLASS

By the President of the United States of America

## A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), on October 30, 1947 the President entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade, including a schedule of United States concessions, and the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, together with a Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Pts. 5 and 6) A7, A11, and A2051), and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (Pt. 2) 1103) he proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out that agreement on and after January 1, 1948, which proclamation has been supplemented by several subsequent proclamations;

2. WHEREAS the said General Agreement has been supplemented by several subsequent agreements, including the Sixth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade of May 23, 1956 (7 UST (Pt. 2) 1086), and Proclamation No. 3140 of June 13, 1956 (70 Stat. C33), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said agreements on and after June 30, 1956;

3. WHEREAS the trade agreement specified in the second recital of this proclamation included a supplementary schedule of United States concessions, hereinafter referred to as "Schedule XX-1956";

4. WHEREAS the prevailing United States tariff concessions under the General Agreement on Tariffs and Trade, as supplemented, with respect to the duties that may be imposed under paragraph 219 of the Tariff Act of 1930 on cylinder, crown, and sheet glass are included in item 219 in Part I of Schedule XX-1956, and the current United States duties reflecting the said prevailing tariff concessions are those specified in the said item 219 as follows:

| Tariff Act of 1930, par. | Description of Products                                                                                                                                                                                                                                                                                                                                                                                               | Rates of Duty                                               |                                                             |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------|
|                          |                                                                                                                                                                                                                                                                                                                                                                                                                       | B                                                           | C                                                           |
| 219                      | Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used:<br>Not over 384 square inches.....<br>Over 384 but not over 864 square inches.....<br>Over 864 but not over 2400 square inches.....<br>Over 2400 square inches.....<br>Provided: That none of the foregoing weighing under 16 ounces but not under 12 ounces per square foot shall be subject to a less rate of duty than. | 0.9¢ per lb.<br>1.1¢ per lb.<br>1.4¢ per lb.<br>17% ad val. | 0.7¢ per lb.<br>1.1¢ per lb.<br>1.4¢ per lb.<br>17% ad val. |

5. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. 7-101 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), on the basis of which investigation, and a hearing held in connection therewith, the Commission has found that, as a result in part of the duties reflecting the concessions granted thereon in the said General Agreement, as supplemented, cylinder, crown, and sheet glass provided for in paragraph 219 of the Tariff Act of 1930 (except such glass weighing not over 4 ounces per square foot), whether or not subject to additional duties under paragraph 224 of the said Act, is being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic



industry producing like products; and that, in order to remedy the serious injury to the domestic industry concerned, it is necessary that there be applied to such glass the duties hereinafter proclaimed;

6. WHEREAS, upon modification of the said prevailing concessions as hereinafter proclaimed, it will be appropriate, to carry out the said General Agreement, to apply to the glass referred to in the fifth recital of this proclamation the duties hereinafter proclaimed:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority vested in me by section 350(a) of the Tariff Act of 1930, as amended, and by section 7(c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement, do proclaim that, effective after the close of business April 18, 1962, and until the President otherwise proclaims—

(a) The descriptions of products in the said item 219 in Part I of Schedule XX-1956 and the pertinent rates in "B" and "C" of the "Rates of Duty" columns are hereby modified to read as follows:

| Tariff Act of 1930, par. | Description of Products                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Rates of Duty                                                                      |                                                                                                      |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | B                                                                                  | C                                                                                                    |
| 219                      | Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used:<br>Not over 384 square inches:<br>Weighing not over 4 ounces per square foot.....<br>Other.....<br>Over 384 but not over 864 square inches:<br>Weighing not over 4 ounces per square foot.....<br>Other.....<br>Over 864 but not over 2400 square inches:<br>Over 2400 square inches:<br>Weighing not over 28 ounces per square foot.....<br>Other.....<br><i>Provided:</i> That none of the foregoing weighing under 16 ounces but not under 12 ounces per square foot shall be subject to a less rate of duty than. | .....<br>.....<br>0.9¢ per lb.<br>1.6¢ per lb.<br>.....<br>.....<br>.....<br>..... | 0.7¢ per lb.<br>1.3¢ per lb.<br>.....<br>1.9¢ per lb.<br>2.4¢ per lb.<br>3.5¢ per lb.<br>17% ad val. |

and

(b) the provisions of item 219 in Part I of Schedule XX-1956, as modified by (a) above, shall be applied and all inconsistent provisions of proclamations of the President heretofore issued under the authority of section 350 of the Tariff Act of 1930 are suspended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of March in the year of our Lord nineteen hundred and sixty-two,  
[SEAL] and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,

*Acting Secretary of State.*

[F.R. Doc. 62-2965; Filed, Mar. 26, 1962; 10:28 a.m.]



# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUC- TION IN FORCE

##### Coverage and Definitions

Effective upon publication in the FEDERAL REGISTER, paragraph (d) is added to § 20.101 as set out below.

§ 20.101 Use.

(d) *Alien employee programs.* Agencies authorized to administer alien employee programs in accordance with provisions of section 6 of the Foreign Service Act Amendments of 1960 are authorized to include special plans for reduction in force in their alien employee programs. In these special plans the agencies are authorized to give effect to the labor laws and practices of the locality of employment by supplementing, to the extent consistent with the public interest, the selection factors of § 20.201. Actions taken under these special plans are not subject to Subpart E of this part.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to  
the Commissioners.*

[F.R. Doc. 62-2927; Filed, Mar. 26, 1962;  
8:51 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

#### PART 362—REGULATIONS FOR EN- FORCEMENT OF FEDERAL INSECTI- CIDE, FUNGICIDE, AND RODENTI- CIDE ACT

##### Declaration of Certain Forms of Plant and Animal Life and Viruses To Be Pests

On December 20, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12167) a notice of rule-making under sections 2 and 6a of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135, 135 d. a.) and section 4 of the Administrative Procedure Act (5 U.S.C. 1003) stating that the Department of Agriculture proposed to declare certain forms of plant and animal life and viruses to be pests for the purpose of classifying as "economic

poisons" or "devices" subject to regulation under the Act, substances and mixtures of substances which have not heretofore been regulated under the Act and are intended for preventing, destroying, repelling, or mitigating these forms of life and viruses, and certain instruments and contrivances which have not heretofore been regulated under the Act and are intended for trapping, destroying, repelling, or mitigating such forms of life and viruses, as provided in the Act.

Interested persons were given a period of 30 days in which to submit written data, views, or arguments. After due consideration of all relevant matters presented, and under the authority conferred by sections 2 and 6a of the Act, the regulations for enforcement of the Act (7 CFR Part 362, as amended) are hereby further amended by adding a new section to appear in 7 CFR 362.25 as follows:

##### § 362.25 Forms of plant and animal life and viruses declared to be pests.

Each of the following forms of plant and animal life and viruses is declared to be a pest under the Act when it exists under circumstances that make it injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, or other articles or substances:

Mammals, including but not limited to dogs, cats, moles, bats, wild carnivores, armadillos, and deer;  
Birds, including but not limited to starlings, English sparrows, crows, and blackbirds;  
Fishes, including but not limited to the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and the bony fishes such as the carp;  
Amphibians and reptiles, including but not limited to poisonous snakes;  
Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish;  
Roots or other plant parts growing where not wanted;  
Viruses, other than those on or in living man or other animals.

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER in order to permit prompt action on applications for registration of affected products: *Provided, however,* That compliance with the registration and other provisions of the Federal Insecticide, Fungicide, and Rodenticide Act shall not be required with respect to any products or articles or uses thereof by this amendment until October 1, 1962: *And provided, further,* That the effective date for required compliance with said Act as regards any such products or articles or uses thereof may be extended upon written application and a determination by the Director of the Pesticides Regulation Division that such extension will not be detrimental to the public interest and is necessary to avoid unusual hardship.

(Secs. 2, 6a, 61 Stat. 163, as amended, 168; 7 U.S.C. 135, 135 d. a.; 19 F.R. 74, as amended)

Done at Washington, D.C., this 21st day of March 1962.

M. R. CLARKSON,  
*Acting Administrator,  
Agricultural Research Service.*

[F.R. Doc. 62-2909; Filed, Mar. 26, 1962;  
8:50 a.m.]

## Title 6—AGRICULTURAL CREDIT

#### PROGRAM FOR DIVERSION OF HY- BRID CORN AND HYBRID SOR- GHUM SEED

##### Terms and Conditions for Making Payments

CROSS REFERENCE: For notice of terms and conditions for making payments under section 32 Program for the Diversion of Hybrid Corn and Hybrid Sorghum Seed issued by the Agricultural Stabilization and Conservation Service affecting the Export and Domestic Consumption Program, see F.R. Document 62-2911, in the Notices section, *infra*.

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Amdt. 4]

#### PART 120—LOAN POLICY STATEMENT

[Rev. 1, Amdt. 1]

#### PART 123—DISASTER LOANS

A. The Loan Policy Statement Regulation (13 CFR Part 120, 23 F.R. 10513) as amended (24 F.R. 8325, 25 F.R. 14022, 26 F.R. 4885 and 26 F.R. 3064) is hereby further amended:

1. By deleting § 120.4-2(d) (1) (i) in its entirety and substituting the following in lieu thereof:

##### § 120.4-2 Business loans.

\* \* \* \* \*

(d) \* \* \*  
(1) (i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss, or

\* \* \* \* \*

2. And, by deleting § 120.4-5(d) in its entirety.

##### § 123.7-3 [Amendment]

B. The Small Business Administration Revised Disaster Loan Regulation (13 CFR Part 123, 27 F.R. 1882) is hereby



amended by deleting § 123.7-3(c) in its entirety.

Dated: March 13, 1962.

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 62-2886; Filed, Mar. 26, 1962;  
8:46 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Reg. Docket No. 942; Amdt. No. 60-28]

#### PART 60—AIR TRAFFIC RULES

##### Instrument Flight Rules; Course To Be Flown

On October 18, 1961, notice was given in Draft Release No. 61-23 (26 F.R. 10307) that the Federal Aviation Agency had under consideration a proposal to amend Civil Air Regulations, Part 60, § 60.45 *Course to be flown*. Draft Release 61-23 proposed a restatement of the existing rule to more clearly show the applicability of the section in conjunction with other equally applicable sections of Part 60.

The comments received in response to the Draft Release indicated unanimous concurrence with the concept of the proposal. While a few of the comments contained suggestions to expand the proposal to include certain other deviations, the vast majority agreed with the amendment as proposed.

The National Business Aircraft Association and the Air Transport Association suggested expansion of the rule to permit necessary deviations from the center line when bracketing, turning corners, correcting for wind drift, etc., feeling that the lack of such provision may lead to needless enforcement actions. The Air Transport Association and the Air Line Pilots Association suggested the proposal be expanded to include maneuvering as necessary to avoid areas of turbulence or other undesirable weather. Also, in order to more closely reflect true operating conditions, they suggested the rule be worded so as to require center line flight "within tolerance of the airplane and ground navigation equipment", or, on the "indicated" center line.

Maneuvers necessary in the normal navigation of aircraft were thoroughly considered during the original drafting of this proposal. However, these maneuvers (bracketing, correcting for wind drift, turning corners, etc.) are not deviations in the sense that the maneuvers specified in the proposed rule are deviations. The former are actually maneuvers conducted for the purpose of remaining on, or returning to, the center line, and are therefore conducted in compliance with the basic intent of the rule. The deviations specified in the proposed rule are turns away from the center line which may be necessary for specific purposes as set forth in the rule. Therefore, it is not considered necessary or appropriate to authorize as "devia-

tions," maneuvers conducted in order to remain on the center line.

In regard to the suggestion to specify that flight be conducted on the "indicated" center line, or "within tolerance of the airplane and ground navigation equipment," we feel that this is already clearly understood. The separation standards now in use consider possible equipment errors, and there can be no question of compliance if the aircraft navigation equipment indicates that the aircraft is on the center line.

Where maneuvers to circumnavigate areas of adverse weather are concerned, it is intended that deviations of this type be conducted under the authorization which may be granted by air traffic control, and, where necessary, under the pilot's emergency authority as contained in § 60.2. Deviations to avoid adverse weather may be necessary in IFR conditions, or may be necessary to the extent that a pilot will be unable to return to the center line in VFR conditions. The separation standards being utilized today do not permit deviations to circumnavigate weather without prior authorization from air traffic control.

Therefore, as proposed in Draft Release 61-23, § 60.45 of the Civil Air Regulations is hereby amended to read as follows:

##### § 60.45 IFR course to be flown.

Aircraft operating in controlled airspace shall be flown along the center line of Federal airways or along a direct course between the navigational aids or fixes defining other routes, unless:

- Otherwise authorized by air traffic control;
- Maneuvering as necessary to pass well clear of other aircraft; or
- In VFR conditions and maneuvering as necessary to visually clear the intended flight path prior to and during climb or descent.

This amendment shall become effective April 26, 1962.

(Sec. 307(c); 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 21, 1962.

N. E. HALABY,  
Administrator.

[F.R. Doc. 62-2874; Filed, Mar. 26, 1962;  
8:45 a.m.]

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-78]

##### PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

##### PART 608—SPECIAL USE AIRSPACE

###### Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to §§ 608.51 and 601.7101 of the regulations of the Administrator is to alter the

White Sands, N. Mex., Restricted Area R-5108 and to include this restricted area in the continental control area.

The Department of Air Force has stated that all of the activities conducted in R-5108 can be contained within the altitude limits of 24,000 feet MSL to unlimited. R-5108 is currently designated from 20,000 feet MSL to unlimited. Therefore, the airspace from 20,000 feet MSL to 24,000 feet MSL is unjustified as an assignment of airspace and revocation thereof will be in the public interest. Such action is taken herein.

In order to promote efficient utilization of this restricted area, it is designated herein as a joint-use area, with the Albuquerque ARTC Center as the controlling agency. In addition, R-5108 is included in the continental control area in order to provide controlled airspace for the portion of jet route No. J-13-V which lies within this restricted area.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.51 *New Mexico* (26 F.R. 7198) the White Sands, N. Mex., Restricted Area R-5108 is amended to read:

R-5108 White Sands, N. Mex.

*Boundaries.* Beginning at latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 33°17'50" N., longitude 106°51'00" W.; thence clockwise along the arc of a 33.5 mile radius circle centered at latitude 33°46'45" N., longitude 106°46'00" W.; to point of beginning.

*Designated altitude.* 24,000 feet MSL to unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Albuquerque ARTC Center.

*Using agency.* Commander, Holloman AFB, N. Mex.

2. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R-5108 White Sands, N. Mex.

These amendments shall become effective upon publication in the *FEDERAL REGISTER*.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 21, 1962.

D. D. THOMAS,  
Director, Air Traffic Service.

[F.R. Doc. 62-2876; Filed, Mar. 26, 1962;  
8:45 a.m.]

[Airspace Docket No. 62-EA-11]

##### PART 608—SPECIAL USE AIRSPACE

###### Alteration of Restricted Area

The purpose of these amendments to § 608.55 of the regulations of the Administrator is to change the using agency of the Wilmington, Ohio, Restricted Areas R-5503 and R-5504.



The Department of the Air Force has stated that the using agency of R-5503 and R-5504 should be changed from "Commander, Wright Air Development Center, Wright-Patterson AFB, Ohio" to "Aeronautical Systems Division, Wright-Patterson AFB, Ohio" in order to reflect the proper using agency. Such action is taken herein.

Since these amendments are minor in nature, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 608.55 Ohio (25 F.R. 7200) is amended as follows:

1. In R-5503 Wilmington, Ohio, "Using agency. Commander, Wright Air Development Center, Wright-Patterson AFB, Ohio." is deleted and "Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio." is substituted therefor.

2. In R-5504 Wilmington, Ohio, "Using agency. Commander, Wright Air Development center, Wright-Patterson AFB, Ohio." is deleted and "Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio." is substituted therefor.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 21, 1962.

D. D. THOMAS,  
Director, Air Traffic Service.

[F.R. Doc. 62-2875; Filed, Mar. 26, 1962;  
8:45 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55589]

#### PART 12—SPECIAL CLASSES OF MERCHANDISE

##### Cotton Textiles and Cotton Textile Products; Restrictions on Entry or Withdrawal From Warehouse

Under Article IA of the Arrangement Regarding International Trade In Cotton Textiles, done at Geneva July 21, 1961 (TIAS 4884), the United States may decline to accept from any participating country imports of cotton textiles at a level higher than a level specified in the Arrangement. In a letter of March 16, 1962, from the President of the United States to the Secretary of the Treasury, published in the FEDERAL REGISTER on March 22, 1962 (27 F.R. 2677), the President delegated to the Secretary authority to issue regulations governing the entry or withdrawal from warehouse of textiles

and textile products covered by the aforesaid Arrangement, and authority to take action governing such entries or withdrawals upon the recommendation of the Interagency Textile Administrative Committee, appointed by the President's Cabinet Textile Advisory Committee pursuant to a memorandum from the President dated October 18, 1961. When an action recommended to the Secretary by the Interagency Textile Administrative Committee is taken, notice thereof will be published in the FEDERAL REGISTER and the procedures hereby prescribed in §§ 12.70-12.73 of the Customs Regulations shall apply to the entry and withdrawal from warehouse of the textiles or textile products involved.

Part 12 is amended to add the following new center head and sections:

#### COTTON TEXTILES

##### § 12.70 Importations restricted.

Under Article IA of the Arrangement Regarding International Trade In Cotton Textiles, done at Geneva July 21, 1961, the United States, if unrestricted imports of cotton textiles are causing or threatening to cause disruption of its domestic market, may request any country participating in the Arrangement to restrain at a specified level not lower than the level prevailing for the twelve-month period ending June 30, 1961, its total exports of any category of cotton textiles causing or threatening to cause such disruption, and failing agreement within thirty days (or sooner under the critical circumstances clause in the Arrangement), the United States may decline to accept imports at a higher level than the specified level. Following a decision to so decline, the Interagency Textile Administrative Committee will recommend appropriate action to the Secretary of the Treasury, and the Secretary will implement such recommendation under authority of section 204 of the Agricultural Act of 1956 (70 Stat. 200; 7 U.S.C. 1854), pursuant to a delegation of such authority to the Secretary by the President in a letter of March 16, 1962, published in the FEDERAL REGISTER on March 22, 1962 (27 F.R. 2677). This will be done by restrictions on the entry or withdrawal from warehouse of textiles or textile products covered by the Arrangement, and the Bureau of Customs will enforce the restrictions under the direction of the Secretary.

##### § 12.71 Exclusion from entry.

Commercial shipments of cotton textiles and cotton textile products in any categories of the Arrangement cited in a recommendation by the Committee and which have been produced or manufactured in a participating country designated in the recommendation and were exported from the designated country on or after a specified date, shall be refused entry into the United States for consumption. Collectors of customs will be informed by the Bureau as to the categories, the Schedule A and U.S.I.D.A. Numbers, the designated country and the pertinent dates involved. Merchandise which comes within an exception stated in the recommendation, however, should

be permitted entry upon proof that the merchandise is within the exception.

##### § 12.72 Disposition.

Inadmissible articles may be entered for bonded warehouse or for exportation or may be transferred to a Foreign Trade Zone, and inadmissible articles not so disposed of shall be placed in General Order. Inadmissible articles in bonded warehouses, in a Foreign Trade Zone or held under General Order may not be withdrawn for consumption.

##### § 12.73 Customs examination.

Entries for consumption for cotton textiles and cotton textile products which are not included in the categories specified in the recommendation of the Committee or which appear to be admissible under an exception stated in the recommendation may be accepted in the usual manner. Sufficient merchandise shall be designated for customs examination so that any inadmissible articles may be detected. If such examination discloses articles not admissible for consumption in the United States, the appraiser shall immediately notify the collector, who shall order promptly the redelivery under the terms of the entry bond of all portions of the importation.

(Sec. 204, 70 Stat. 200; 7 U.S.C. 1854)

[SEAL]

PHILIP NICHOLS, Jr.,  
Commissioner of Customs.

Approved: March 26, 1962.

JAMES A. REED,  
Assistant Secretary of the  
Treasury.

[F.R. Doc. 62-3032; Filed, Mar. 26, 1962;  
12:56 p.m.]

## Title 20—EMPLOYEES' BENEFITS

### Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

#### PART 422—STATEMENTS OF PROCEDURE

Part 422 is hereby revised to read as follows:

##### Subpart A—Bureau of Old-Age and Survivors Insurance

- |       |                                                                          |
|-------|--------------------------------------------------------------------------|
| Sec.  |                                                                          |
| 422.1 | Social security account numbers for employees and self-employed persons. |
| 422.2 | Individual's request for change in records.                              |
| 422.3 | Employers' identification numbers.                                       |
| 422.4 | Earnings reported without an account number.                             |
| 422.5 | Earnings reported under incorrect name or account number.                |
| 422.6 | Statements of earnings, resolving earnings discrepancies.                |
| 422.7 | General claims procedure.                                                |
| 422.8 | Reports by beneficiaries.                                                |
| 422.9 | Reconsideration of initial Bureau determination.                         |

##### Subpart B—Office of Hearings and Appeals

- |        |                                                         |
|--------|---------------------------------------------------------|
| 422.20 | Duties and functions of Office of Hearings and Appeals. |
| 422.21 | Hearing before hearing examiner.                        |
| 422.22 | Review by Appeals Council.                              |
| 422.23 | Court review.                                           |



**AUTHORITY:** §§ 422.1 to 422.9 and 422.20 to 422.23 issued under sections 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 1302. Additional authority is cited in parentheses following the section affected.

## Subpart A—Bureau of Old-Age and Survivors Insurance

### § 422.1 Social security account numbers for employees and self-employed persons.

(a) *General.* The Bureau maintains a record of the earnings reported for each individual. (When an individual obtains a social security account number card a social security earnings record (or account) is set up for him.) The individual's name, together with the number on his card, identifies his account so that the wages or self-employment income reported by or for him can be properly posted to his record. Additional procedures concerning social security account numbers may be found in 26 CFR 31.6011(b)-2.

(b) *Applying for account numbers.* Any person who is required to have a social security account number may apply for one by filing Treasury Department Form SS-5, "Application for Social Security Account Number," at any social security district office, or, if the individual is in the Philippines, at the Veterans' Administration Regional Office, Manila, Philippines. The Form SS-5 may be obtained at any social security district office, the Division of Accounting Operations of the Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland, offices of district directors of internal revenue, post offices (except the main post office in cities having a social security district office), offices of the United States Employment Service in cities which do not have a social security district office, and the Veterans' Administration Regional Office, Manila, Philippines. Upon request, the social security district office will distribute a quantity of Forms SS-5 to labor unions, employers, or other representative organizations.

(c) *Assignment of account number.* Upon receipt of a completed Form SS-5, the district office assigns a social security account number to the applicant, and prepares and gives to him a Form OA-702, "Account Number Card." However, if it appears that an account number may have been assigned to him previously, his application is forwarded to the Division of Accounting Operations of the Bureau in Baltimore, Maryland, for checking against the Bureau's central files. In such case, if the applicant states that he needs a social security card immediately the district office, pending the check of the central files, prepares and gives to him a temporary unnumbered card (Form OAAN-5028), to be used as proof that he has applied for an account number. If the investigation discloses a previously assigned account number, the district office prepares and delivers to the applicant a Form OA-702.1, "Duplicate Account Number Card." If the investigation does not disclose a previously assigned account number, an account number is assigned to him. The account number card, whether it is an original or a duplicate, shows the applicant's

name and the number of his social security account. The applicant should keep the lower portion of the card (or "stub") in a safe place so that it will be available in case of loss of the card. If the application for an account number is filed at the Veterans' Administration Regional Office, Manila, Philippines, that office forwards the Form SS-5 to the Division of Accounting Operations of the Bureau in Baltimore, Maryland, for assignment of the account number, or for preparation of a duplicate account number card, whichever is appropriate.

(d) *Use of Form SS-5 and carbon copy of Form OA-702.* The Division of Accounting Operations uses the Forms SS-5 and the carbon copies of the Form OA-702 to establish the necessary records for the maintenance of individual records of earnings. The Forms SS-5 are retained by the Division of Accounting Operations for use in identifying the individuals to whom the account numbers are assigned.

(e) *Where individual alleges loss of or damage to account number card.* When an individual loses his social security account number card, or his card becomes damaged, he may obtain at once a duplicate card (Form OA-702.1) bearing the same account number from any social security district office, upon presentation of the lower portion of the account number card previously issued to him. If an individual does not have the lower portion of the account number card previously issued to him, he may request a duplicate account number card by submitting a properly completed Form SS-5, "Application for Social Security Account Number," to any social security district office. The Bureau will attempt to locate his account number on the basis of the identifying information he has furnished. If the account number is located, the district office will issue a duplicate account number card to the individual. If the account number cannot be located on the basis of the information furnished, the district office will question the individual in an attempt to ascertain and resolve any possible differences between the identifying information furnished on the current Form SS-5 and information he may have furnished on a previous application. If the Bureau is still unable to locate a previously assigned number, or if it is found that the individual was mistaken in his belief that he had applied previously for a social security account number, the district office will then assign an account number to him. If an individual in the Philippines requests a duplicate account number card through the Veterans' Administration Regional Office, Manila, Philippines, that office will forward the request to the Division of Accounting Operations for appropriate processing.

### § 422.2 Individual's request for change in records.

Form OAAN-7003, "Request for Change in Your Social Security Records," should be completed by any person who wishes to change the name or other personal identifying information he submitted previously. This form may be obtained from any social security district office, from the Division of Account-

ing Operations, Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland, or from one of the sources noted in § 422.1(b) from which Forms SS-5 may be obtained. The completed request for change in records may be submitted to any office of the Bureau of Old-Age and Survivors Insurance, or, if the individual is in the Philippines, to the Veterans' Administration Regional Office, Manila, Philippines. After the requested change has been made in the Bureau's records, the Form OAAN-7003 is retained in the Division of Accounting Operations along with the Form SS-5.

### § 422.3 Employers' identification numbers.

(a) (1) *State and local governments.* In the case of a State which enters into an agreement with the Secretary of Health, Education, and Welfare under section 218 of the Social Security Act, the Division of Accounting Operations, in conformance with § 404.1240 of this chapter, will assign an employer's identification number to the State (if State employees are covered under the agreement) and to each political subdivision included in the agreement. Similarly, in the case of such an agreement with an instrumentality of two or more States (interstate instrumentality), the Division of Accounting Operations will assign an employer's identification number to such interstate instrumentality. The Division of Accounting Operations sends to the appropriate official of the State or instrumentality a Form OAR-S14, "Notice of Identifying Number Assigned Under Agreement Made Pursuant to Section 218 of the Social Security Act," for each number assigned.

(2) If wages for covered transportation service (as determined under section 210(k) of the Social Security Act, as amended) are paid by a State or political subdivision of a State, which are subject to tax under the Federal Insurance Contributions Act, the district director of internal revenue will assign an identification number to such State or political subdivision for the purpose of reporting such wages. In these cases the procedures for issuance of identification numbers by district directors of internal revenue to State or political subdivisions are the same as the procedures for issuing identification numbers to employers other than State and local governments. See paragraph (b) of this section for the reference to such procedures.

(Sec. 218, 64 Stat. 514, as amended; 42 U.S.C. 418)

(b) *Employers other than State and local governments.* For all employers other than States, political subdivisions, or interstate instrumentalities, identification numbers are issued by district directors of internal revenue. The appropriate procedures for issuance of employers' identification numbers may be found in 26 CFR 31.6011(b)-1.

### § 422.4 Earnings reported without an account number.

If an employer reports an employee's wages without an account number, the Division of Accounting Operations writes to the employer regarding each of the



incompletely reported wage items. The employer is asked to furnish the missing account number or other identifying information. When an employer is unable to furnish the employee's account number or satisfactory identifying information and does furnish an address for the employee, the Division of Accounting Operations writes to the employee and requests him to furnish the necessary information so that the earnings reported may be properly posted to his account. If self-employment income is reported without an account number, the Division of Accounting Operations writes to the self-employed individual to obtain the missing account number.

#### § 422.5 Earnings reported under incorrect name or account number.

If an employer reports an employee's wages under an account number or name different from that shown on the employee's account number card and the Division of Accounting Operations is unable to identify the employee from its records, the Division of Accounting Operations writes to the employer regarding such unidentified wage items. Where an employer is unable to furnish the correct information but does furnish an address for the employee, the Division of Accounting Operations writes to the employee requesting him to furnish the necessary information so that the earnings reported may be properly posted to his account. Where a self-employed individual reports his self-employment income under an incorrect name or account number and the Division of Accounting Operations is unable to associate such report with an account in its records, the Division of Accounting Operations writes to the self-employed individual to obtain the necessary identifying information.

#### § 422.6 Statements of earnings; resolving earnings discrepancies.

(a) *Request for statement of earnings.* An individual may obtain a statement of earnings recorded in his social security account by mailing to the Division of Accounting Operations, Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland, a completed Form OAR-7004, "Request for Statement of Earnings," or in lieu of a Form OAR-7004, a signed written request showing his social security account number and date of birth. Upon receipt of such request or Form OAR-7004, the Bureau will forward to the individual, without charge, a Form OAR-7014, "Statement of Earnings Recorded in Your Old-Age and Survivors Insurance Account," containing the requested information. The Form OAR-7014 will show a total of earnings credited to date, the total for each of the last three complete years, the total credited since the last complete year; and the total credited for each of the periods of 1937 through 1950, and 1951 through the year preceding the first year for which an annual total is shown. A more detailed statement of earnings will be furnished upon request, without charge, where it is required for a purpose related to title II of the Social Security Act. If the more detailed statement of earnings is requested for a purpose not related to title II of the Social Security

Act, there will be a charge according to the following schedule of fees:

|                                                                                         |        |
|-----------------------------------------------------------------------------------------|--------|
| Type I—Wages, period of employment, and the names and addresses of reporting employers: |        |
| First calendar year or any part thereof requested.....                                  | \$2.50 |
| Each additional calendar year or any part thereof requested.....                        | 1.50   |
| Type II—Yearly totals only:                                                             |        |
| First calendar year requested.....                                                      | 1.00   |
| Each additional year requested.....                                                     | .25    |

If the individual requests that the information will be certified by the custodian of the records there will be an additional charge of \$3.00.

Where the individual asks for a statement as to his insured status, the Bureau will forward a Form OAR-7014a, "Insured Status Reply." The Form OAR-7014a shows the same earnings information as the Form OAR-7014 and, in addition, contains a statement as to the insured status of the individual. Where the individual is not fully insured, it shows the number of quarters of coverage he requires and the number of quarters of coverage he has acquired.

(b) *Request for revision of earnings records.* If an individual disagrees with a statement of earnings credited to his social security account he may request a revision by writing to the Division of Accounting Operations, Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland, or by calling at or writing to any social security district office, or, if the individual is in the Philippines, by calling at or writing to the Veterans' Administration Regional Office, Manila, Philippines. Upon receipt of a request for revision the Bureau will initiate an investigation of the individual's record of earnings. Form OAR-7008, "Statement of Employment for Wages and Self-Employment" is used by the Bureau for obtaining information from the individual requesting a revision, to aid the Bureau in the investigation. These forms are available at any of the sources listed in this paragraph. If an individual receives a Form OAR-7008 from the Division of Accounting Operations, the completed form should be returned to that office. See Subpart I of Part 404 of this chapter for limitation on the revision of records of earnings.

(c) *Notice to individual of determination.* After the investigation has been completed and any determination affecting the individual's earnings record has been made and approved, the Bureau will notify the individual of the status of his earnings record and inform him at the same time of any determination made and of his right to a reconsideration if he is dissatisfied with the determination in his case (see § 422.9).

(d) *Notice to individual of adverse adjustment of his account.* Written notice is given to an individual or his survivor in any case where the Bureau adversely adjusts the individual's self-employment income. Where, subsequent to the issuance of a statement of earnings to an individual, an adverse adjustment is made of an amount of wages included in the statement, written notice of the adverse adjustment is given to the individual or his survivor. Written notice of the adverse adjustment is also given to the survivor if the statement of

earnings had been given to such survivor. The individual or his survivor is requested to notify the Bureau promptly if he disagrees, and he is informed that the adjustment will become final unless he notifies the Bureau of his disagreement (if any) within 6 months from the date of the letter, or within 3 years, 3 months, and 15 days after the year to which the adjustment relates, whichever is later.

#### § 422.7 General claims procedure.

(a) *Applications and related forms.* The Social Security Administration provides facilities for the public to file claims and to obtain assistance in completing them. An appropriate application form for use in filing a claim for monthly benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, can be obtained from any district office, contact station or resident station of the Social Security Administration, or from the Veterans' Administration Regional Office, Manila, Philippines. See § 404.605 of this chapter for offices at which applications may be filed. The application forms and related forms used by the public to file claims are as follows:

- OA-C1 Application for Old-Age Insurance Benefits.
- OA-C1.1 Application for Recomputation of Benefits.
- OA-C2 Application for Wife's Insurance Benefits.
- OA-C3 Husband's Certification (generally this form must accompany the wife's application, Form OA-C2).
- OA-C4 Application for Insurance Benefits for Child of Living Wage Earner or Self-Employed Person.
- OA-C5 Application for Survivors Insurance Benefits (to be used by applicant for widow's benefits, mother's benefits, or children's benefits).
- OA-C6 Application on Behalf of Child for Survivors Insurance Benefits.
- OA-C7 Application for Parent's Insurance Benefits.
- OA-C8 Application for Lump-Sum Death Payment.
- OA-C10 Application for Widow's or Widower's Insurance Benefits (for use by a claimant who previously was entitled as a widow or widower to the lump-sum death payment or survivors insurance benefits on the deceased's account).
- OA-C11 Application for Substitution of Payee (for use when the individual proposing to be substituted for current payee files application to receive benefits on behalf of self, minor child, or incompetent beneficiary).
- OA-C12 Application by Divorced Wife for Mother's and Child's Insurance Benefits.
- OA-C13 Application for Widower's Insurance Benefits.
- OA-C14 Application for Husband's Insurance Benefits.
- OA-C15 Wife's Certification (this form must accompany the husband's application, Form OA-C14).
- OA-C16 Application for Disability Insurance Benefits.

(b) *Submission of evidence.* An individual who files an application for monthly benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, either on his own behalf or on behalf of another, must



establish by satisfactory evidence the material allegations in his application, except as to earnings shown in the Bureau's records (see Subpart H of Part 404 of this chapter for evidence requirements in nondisability cases and Subpart P of Part 404 of this chapter for evidence requirements in disability cases). Instructions, report forms, and forms for the various proofs necessary are available to the public in district offices, contact stations and resident stations of the Social Security Administration, and the Veterans' Administration Regional Office, Manila, Philippines. These offices assist individuals in preparing their applications and in obtaining the proofs required in support of their applications.

(c) *Determinations and notice to individuals.* In the case of an application for benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, the Bureau, after obtaining the necessary evidence, will make a determination as to the entitlement of the individual claiming or for whom is claimed such benefits, and will notify the applicant of the determination and of his right to a reconsideration if he is dissatisfied with the determination (see § 422.9). Also see § 404.1520 of this chapter for a discussion of the respective roles of State agencies and the Bureau in the making of disability determinations and § 404.1521 of this chapter for information regarding initial determinations as to entitlement or termination of entitlement in disability cases.

#### § 422.8 Reports by beneficiaries.

(a) A recipient of monthly benefits and a person for whom a period of disability has been established are obligated to report to the Bureau the occurrence of certain events which may suspend or terminate benefits or which may cause a cessation of a period of disability.

(b) A person who files an application for benefits receives oral and written instructions about events which may cause a suspension or termination, and also, appropriate forms and instruction cards for reporting such events. Pursuant to section 203(h)(1)(A) of the Act, under certain conditions a beneficiary must submit to the Bureau an annual report of his earnings and of any substantial services in self-employment performed during a taxable year within 3 months and 15 days after the close of such taxable year. The purpose of the annual report is to furnish the Bureau with information for making final adjustments in the payment of benefits for that year. An individual may also be requested to submit other reports to the Bureau from time to time.

#### § 422.9 Reconsideration of initial Bureau determination.

Any party who is dissatisfied with an initial determination (see §§ 404.905 and 404.906 of this chapter for an explanation of this term) with respect to entitlement to monthly benefits, a lump-sum death payment, a period of disability, a revision of an earnings record, or with respect to any other right under title II of the Social Security Act, may

request that the Bureau reconsider such determination. The information in § 404.1520 of this chapter as to the respective roles of State agencies and the Bureau in the making of disability determinations is also applicable to the reconsideration of initial determinations involving disability. After such initial determination has been reconsidered the Bureau will mail to each of the parties written notice of the reconsidered determination and inform him of his right to a hearing (see § 422.21). Regulations relating to the details of reconsideration of initial determinations may be found in §§ 404.909-404.916 of this chapter.

### Subpart B—Office of Hearings and Appeals

#### § 422.20 Duties and functions of Office of Hearings and Appeals.

The Appeals Council, its members and hearing examiners, in the Office of Hearings and Appeals of the Social Security Administration have, by delegation from the Secretary of Health, Education, and Welfare, the duties, powers, and functions arising under sections 205 and 221 of the Act, relating to the holding of hearings and the rendition and review of decisions in connection with administrative appeals from reconsidered determinations made by the Bureau of Old-Age and Survivors Insurance under title II of the Social Security Act.

#### § 422.21 Hearing before hearing examiner.

After a reconsidered determination of a claim for benefits or any other right under title II of the Act has been made by the Bureau under section 205 or section 221 of the Act, any party to such determination may file a written request for a hearing on his claim. (For individuals who may be parties to a hearing see §§ 404.919 and 404.920 of this chapter.) This request may be made on Form AC-501, "Request for Hearing," or by letter. Form AC-501 may be obtained from any Bureau office, from the Office of Hearings and Appeals, SSA, Department of Health, Education, and Welfare, Washington 25, D.C., or from any office where a request for a hearing may be filed. For detailed information about the right to a hearing, the time and place for filing a request for a hearing, the functions of the hearing examiner, the conduct of a hearing, and the rights of parties to a hearing, see §§ 404.917-404.940 of this chapter.

#### § 422.22 Review by Appeals Council.

Any party to a hearing examiner's decision or dismissal may request a review of such decision or dismissal by the Appeals Council. This request may be made on Form AC-520, "Request for Review of Hearing Examiner's Decision," or by letter. This form may be obtained from any Bureau office, from the Office of Hearings and Appeals, SSA, Department of Health, Education, and Welfare, Washington 25, D.C., or from any office where a request for review may be filed. For detailed information about the time and place for filing a request for review, the functions of the Appeals Council, and the rights of parties to the review, see

§§ 404.938, 404.941-404.952, 404.954, and 404.955 of this chapter.

#### § 422.23 Court review.

A claimant may obtain a court review of a decision by a hearing examiner if the Appeals Council has denied the claimant's request for review, or a court review of a decision by the Appeals Council where that is the final administrative decision, by instituting a civil action in the district court of the United States for the judicial district in which he resides or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia. Such action must be filed within 60 days after the mailing of the Appeals Council's notice of denial of request for review of the hearing examiner's decision or notice of decision by the Appeals Council, except that this time may be extended by the Appeals Council upon a showing of good cause. (See section 205(g) of the Act and §§ 404.931, 404.940, 404.951, and 404.954 of this chapter.)

*Effective date.* The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] W. L. MITCHELL,  
Commissioner of Social Security.

MARCH 15, 1962.

Approved: March 20, 1962.

ABRAHAM RIBICOFF,  
Secretary of Health, Education,  
and Welfare.

[F.R. Doc. 62-2891; Filed, Mar. 26, 1962;  
8:48 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER A—GENERAL

### PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

#### SUBCHAPTER C—DRUGS

### PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

### PART 165—HABIT-FORMING DRUGS

#### Transfer and Revision of Codified Material

The following changes are made in Title 21 for the purpose of eliminating obsolete cross-citations and correlating related regulations:

1. The title of Part 165 is changed to read as set forth above.
2. Section 1.104 is transferred to Part 165 as § 165.2, and the section heading is changed to read: "§ 165.2 Labeling requirements for habit-forming drugs."
- 3a. Section 1.108 is transferred to Part 165 as § 165.5, and the section heading



and paragraph (a) are changed to read as follows:

**§ 165.5 Exemption of certain habit-forming drugs from prescription requirements.**

The prescription-dispensing requirements of section 503(b)(1)(A) of the act are not necessary for the protection of the public health with respect to the following drugs subject to section 502(d):

(a) The following exempt narcotic preparations:

(1) Pharmaceutical preparations containing not more than 129.6 milligrams (2 grains) opium per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(2) Pharmaceutical preparations containing not more than 16.2 milligrams ( $\frac{1}{4}$  grain) morphine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(3) Pharmaceutical preparations containing not more than 64.8 milligrams (1 grain) codeine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(4) Pharmaceutical preparations containing not more than 32.4 milligrams ( $\frac{1}{2}$  grain) dihydrocodeine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(5) Pharmaceutical preparations containing not more than 16.2 milligrams ( $\frac{1}{4}$  grain) ethylmorphine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

Provided, That the preparations described in this paragraph contain one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

b. Paragraphs (b), (c), and (d) of original § 1.108 are transferred to new § 165.5 without change.

4. Section 131.17 is changed to read:

**§ 131.17 Drugs for human use; warning and caution statements specifically required by law.**

Preparations containing habit-forming derivatives of substances named in section 502(d) of the act. (See §§ 165.1, 165.2, and 165.5 of this chapter.)

The statement "Warning—May be habit forming" is required to appear on the labels of all drugs containing derivatives designated in § 165.1 of this chapter as habit forming, including exempt narcotic preparations described in § 165.5(a) of this chapter and preparations containing one or more derivatives of barbituric acid, unless such drug is not suitable for internal use and is distributed and sold exclusively for such external use as involves no possibility of habit formation.

This order is issued pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act, and under the authority delegated to the Commissioner of Food

and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

Notice and public procedure are not necessary prerequisites to the issuance of this order since the amendments are editorial in nature and serve to clarify existing regulations.

**Effective date.** This order shall become effective on publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: March 19, 1962.

GEO. P. LARRICK,

Commissioner of Food and Drugs.

[F.R. Doc. 62-2847; Filed, Mar. 23, 1962; 8:45 a.m.]

**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**

**PART 121—FOOD ADDITIVES**

**SUBCHAPTER C—DRUGS**

**PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS**

**Food Additives Permitted in Animal Feed or Animal-Feed Supplements; and Amprolium in Chicken and Turkey Feed**

I. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the following amended regulation should issue with respect to the food additive amprolium in medicated feed for replacement flocks and amprolium with not less than 50 grams nor more than 200 grams per ton of zinc bacitracin in chicken feed for the prevention or treatment of disease. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.210 (21 CFR 121.210; 26 F.R. 4286, 5370, 12053) is amended to provide for addition of amprolium to feed for replacement flocks, and to provide for addition of zinc bacitracin to chicken feed for prevention and treatment of disease. As amended, this section reads as follows:

**§ 121.210 Amprolium (1-(4-amino-2-n-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride).**

The food additive amprolium (1-(4-amino-2-n-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride) may be safely used in animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) It is used or intended for use:

(1) In turkey feed, as follows:

(i) In an amount not less than 0.0125 percent nor more than 0.025 percent to be fed continuously for the prevention of coccidiosis.

(ii) As prescribed in subdivision (i) of this subparagraph, with antibiotics

added in the amounts prescribed in this subdivision as an aid in stimulating growth and improving feed efficiency:

(a) Penicillin, not less than 2.4 grams nor more than 50 grams per ton of finished feed.

(b) Streptomycin, not less than 30 grams nor more than 50 grams per ton of finished feed.

(c) A combination of penicillin and streptomycin, not less than 2.4 grams of penicillin and not less than 12 grams of streptomycin and not more than 50 grams of the combination per ton of finished feed.

(d) Bacitracin, as feed grade bacitracin, bacitracin methylene disalicylate, feed grade zinc bacitracin, or feed grade manganese bacitracin, not less than 4 grams nor more than 50 grams per ton of finished feed.

(2) In chicken feed, as follows:

(i) In feed for broilers and replacement flocks:

| Percentage of amprolium in feed      | Limitations                                                                                      | Indications for use                            |
|--------------------------------------|--------------------------------------------------------------------------------------------------|------------------------------------------------|
| For broilers: 0.0125-0.025           | Continuous use                                                                                   | Prevention of coccidiosis.                     |
| For replacement flocks: 0.004-0.0125 | Not to exceed 14 weeks of age in accordance with dosages as set forth in § 146.26 (b)(44)(i)(2). | Development of active immunity to coccidiosis. |

(ii) As prescribed in subdivision (i) of this subparagraph, with antibiotics in the amounts and for the purposes specified in subparagraph (1)(ii) of this paragraph.

(iii) As prescribed in subdivision (i) of this subparagraph, with antibiotics added for the prevention or treatment of disease, as follows:

(a) Chlortetracycline in accordance with the conditions prescribed in § 121.208(a)(1)(i), (ii), and (iii).

(b) A combination of penicillin and streptomycin: In the amount of 75 grams of streptomycin and 15 grams of penicillin per ton of finished feed, for the treatment of chronic respiratory disease (air-sac-infection), infectious sinusitis, blue comb (nonspecific infectious enteritis), and hexamitiasis.

(c) Zinc bacitracin: In an amount not less than 50 grams nor more than 100 grams per ton of feed, for the prevention of chronic respiratory disease (air-sac-infection), blue comb (nonspecific infectious enteritis), and infectious sinusitis; or in an amount of not less than 100 grams nor more than 200 grams per ton of feed for the treatment of these diseases.

(b) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

\*The quantities of antibiotics refer to activities equivalent to those of the appropriate antibiotic master standards, except streptomycin.



(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) The word "medicated," prominently and conspicuously, wherever the term "feed," "intermediate feed," or "premix" is used, and in juxtaposition therewith.

(4) Adequate directions for use.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

#### § 146.26 [Amendment]

II. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.26 (b) (44) (21 CFR 146.26) is amended as follows:

1. Paragraph (b) (44) (i) (a) is changed to read as follows:

(b) \* \* \*

(44) (i) \* \* \*

(a) Amprolium (1-(4-amino-2-n-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride), as follows:

(1) In a quantity, by weight of feed, of not less than 0.0125 percent and not more than 0.025 percent, if it is intended as an aid in preventing coccidiosis in chickens and turkeys; or

(2) In the following quantities, by weight of feed, under the conditions and for the ages of chickens indicated, if it is intended as an aid in preventing coccidiosis by developing immunity in chicken replacement flocks:

| Growing conditions                    | Amount of amprolium in feed for birds, by age groups |                          |                             |
|---------------------------------------|------------------------------------------------------|--------------------------|-----------------------------|
|                                       | Up to 5 weeks of age                                 | From 5 to 8 weeks of age | From 8 to 14 weeks on range |
|                                       | Percent                                              | Percent                  | Percent                     |
| Severe exposure to coccidiosis...     | 0.0125                                               | 0.008-0.0125             | 0.004-0.0125                |
| Moderate exposure to coccidiosis..... | 0.008-0.0125                                         | 0.006-0.0125             | 0.004-0.0125                |
| Slight exposure to coccidiosis....    | 0.004-0.0125                                         | 0.004-0.0125             | 0.004-0.0125                |

2. Paragraph (b) (44) is further amended by adding thereto the following new subdivisions:

(iv) It is also intended for use in the prevention of those infections of chickens specified in subparagraph (9) of this paragraph; it contains amprolium in the amount and under the conditions specified in subdivision (i) of this subparagraph; and it contains, per ton of feed, not less than 50 grams and not more than 100 grams of zinc bacitracin.

(v) It is also intended for use in the treatment of those infections of chickens specified in subparagraph (10) of this paragraph; it contains amprolium in the amount and under the conditions set forth in subdivision (i) of this subparagraph; and it contains, per ton of feed, not less than 100 grams and not more than 200 grams of zinc bacitracin.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 507, 59 Stat. 463 as amended, 72 Stat. 1785; 21 U.S.C. 348, 357)

Dated: March 20, 1962.

GEO. P. LARRICK,

Commissioner of Food and Drugs.

[F.R. Doc. 62-2890; Filed, Mar. 26, 1962; 8:47 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

#### PART 202—ANCHORAGE REGULATIONS

##### Vineyard and Nantucket Sounds, Mass.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.140 establishing and governing the use of anchorages in Buzzards Bay and Nantucket Sound, Massachusetts, is hereby amended revising paragraphs (c) (1) and (3) to provide a dividing line between Anchorages E and G effective on publication in the FEDERAL REGISTER since no change in the outer boundaries of the anchorages is involved, as follows:

#### § 202.140 Buzzards Bay, Nantucket Sound, and adjacent waters, Mass.

\* \* \*

(c) *Vineyard and Nantucket Sounds*—(1) *Anchorage E.* South of a line beginning at a point bearing 180° about 3.25 miles from Cuttyhunk Light; thence 65° to a point bearing 180°, 0.625 mile from Nashawena Lighted Whistle Buoy; thence 57°30' passing 600 yards northerly of Middle Ground Lighted Bell Buoy 25A, to a point bearing 145°, 1.25 miles from Nobska Point Light; southwest of a line ranging 113° through West Chop Buoy 25 to East Chop Flats Bell Buoy 23; and west of a line bearing 163° between East Chop Flats Bell Buoy 23 and Lone Rock Buoy 1; and northerly of a line bearing 269° between Lone Rock Buoy

1 and a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf.

\* \* \*

(3) *Anchorage G.* South of a line beginning at a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf bearing 89° to Lone Rock Buoy 1; thence 113° from Lone Rock Buoy 1 to Outer Flats Bell Buoy 17; thence 86° to Cross Rip Lightship; thence 118°30' to Tuckernuck Shoal Bell Buoy 7; thence ranging 149° toward Brant Point Light to the breakwater at Brant Point.

[Regs., March 7, 1962, 285/112-ENGOW-ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

J. C. LAMBERT,

Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 62-2871; Filed, Mar. 26, 1962; 8:45 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2637]

[New Mexico 088292]

#### NEW MEXICO

### Withdrawing Lands for Use of Department of the Army for Flood Control

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn as indicated, and reserved as follows:

a. Under the jurisdiction of the Department of the Army, from all forms of appropriation under the public land laws, including the mining laws, for reservoir uses as a part of the Two Rivers Reservoir Project authorized by the Flood Control Act of 1954 (68 Stat. 1248; Public Law 780, 83d Congress):

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 22 E.,  
Sec. 34, W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 12 S., R. 22 E.,  
Sec. 3, lot 1, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 4, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$   
SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ .

The areas described aggregate 1,356.55 acres.

b. Under the jurisdiction of the Department of the Interior, from all forms of appropriation under the public land laws, including the mining laws, but excluding disposals which by law are discretionary with the Secretary of the Interior, as a flowage area for the temporary storage of overflow and flood waters



connected with the operation and maintenance of the Two Rivers Reservoir Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 S., R. 22 E.,  
 Sec. 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
 and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 18, lot 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 19, lot 1, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$   
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$   
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 20, N $\frac{1}{2}$ ;  
 Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate 1,233.19 acres.

2. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands, and may issue mineral leases and grazing permits or leases and make disposals of mineral and vegetative materials to the extent that such use is not inconsistent with the purposes of this withdrawal.

3. Any disposals of lands described in Paragraph 1b. of this order shall reserve to the United States such rights to overflow, flood and submerge the lands as may in the opinion of the Department of the Army be necessary for the proper operation and maintenance of the Two Rivers Reservoir Project.

4. The Department of the Army may issue permits revocable at will for authorized use of the land included in this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way is reserved to the Secre-

tary of the Interior or his authorized delegate, provided that no grants will be made under this authority without the approval of an authorized officer of the Department of the Army.

JOHN A. CARVER, Jr.,  
 Assistant Secretary of the Interior.

MARCH 21, 1962.

[F.R. Doc. 62-2883; Filed, Mar. 26, 1962;  
 8:46 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 33—SPORT FISHING

##### Washita National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

#### § 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

##### OKLAHOMA

##### WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing on the Washita National Wildlife Refuge, Oklahoma, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 3,367 acres and 41 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional

Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, channel catfish, crappie, rock bass and other minor species permitted under State regulations.

(b) Open season: April 1, 1962, through October 15, 1962.

(c) Daily creel limits: Largemouth bass, 10; channel catfish, 15; crappie, 37; rock bass, no limit; plus other creel limits for minor species as are prescribed by State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations except as follows:

(2) For the purposes of fishing only, the use of boats and motors is permitted south of State Highway 33. Provided that: Boats when operating within 100 yards of shore may not exceed speeds of 10 miles per hour.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective April 1, 1962, through December 31, 1962.

Dated: March 19, 1962.

JOHN C. GATLIN,  
 Regional Director, Bureau of  
 Sport Fisheries and Wildlife.

[F.R. Doc. 62-2882; Filed, Mar. 26, 1962;  
 8:46 a.m.]



# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 735) has been filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, proposing the amendment of § 121.214 of the food additive regulations to provide for the safe use of diethylcarbamazine in dog food, without limitation of feeding period.

Dated: March 21, 1962.

J. K. KIRK,  
*Assistant Commissioner  
of Food and Drugs.*

[F.R. Doc. 62-2887; Filed, Mar. 26, 1962;  
8:47 a.m.]

#### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 509) has been filed by Ciba Pharmaceutical Products, Inc., Summit, New Jersey, proposing an amendment of § 121.205 to provide for the safe use of chlortetracycline in reserpine-medicated feeds at levels of from 50 grams to 200 grams per ton of feed for prevention or treatment of diseases of chickens and turkeys and for maintaining or increasing egg production and hatchability of eggs.

Dated: March 21, 1962.

J. K. KIRK,  
*Assistant Commissioner  
of Food and Drugs.*

[F.R. Doc. 62-2888; Filed, Mar. 26, 1962;  
8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [ 9 CFR Part 201 ]

#### REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

##### Proposed Registration, Bonding and Related Regulations; Notice of Extension of Time to File Proposals

On January 23, 1962, there was published in the FEDERAL REGISTER (27 F.R.

665), a notice that consideration was being given as to whether certain regulations under the Packers and Stockyards Act (9 CFR Part 201) should be amended or revised in view of the changes in current marketing conditions and the 1958 amendment to the Act which extended the scope of the Act in certain respects. The notification invited any interested persons who wished to do so to submit proposals and the reasons therefor with respect to changes they may desire to suggest in §§ 201.10 to 201.13, inclusive, concerning registrations; §§ 201.29 to 201.34, inclusive, concerning market agency and dealer bonds (9 CFR 201.10-201.13, 201.29-201.34); and §§ 201.59, 201.60, 201.61, 201.66, 201.67, 201.68, 201.79, and 201.81, concerning certain trade practices and services of persons subject to the Act (9 CFR 201.59, 201.60, 201.61, 201.66, 201.67, 201.68, 201.79, and 201.81).

The Department has received various requests for an extension of the period of time within which to submit proposals. These requests appear to be reasonable. Accordingly, notice is hereby given of an extension, until April 14, 1962, of the period of time within which any person may submit proposals and the reasons therefor with respect to changes in the above-mentioned sections. Any such proposals and reasons should be filed with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

Done at Washington, D.C., this 21st day of March 1962.

CLARENCE H. GIRARD,  
*Director,  
Packers and Stockyards Division.*

[F.R. Doc. 62-2894; Filed, Mar. 26, 1962;  
8:48 a.m.]

#### Agricultural Stabilization and Conservation Service

#### [ 7 CFR Parts 1001, 1006, 1007, 1014, 1015 ]

[Docket Nos. AO 14-A33, AO 203-A15, AO 204-A15, AO 305-A6, AO 302-A7]

#### MILK IN GREATER BOSTON, MASSACHUSETTS; SPRINGFIELD, MASSACHUSETTS; WORCESTER, MASSACHUSETTS; CONNECTICUT AND SOUTHEASTERN NEW ENGLAND MARKETING AREAS

##### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is here-

by given of a public hearing to be held at Hotel Bradford, 275 Tremont Street, Boston, Massachusetts, beginning at 10:00 a.m. on April 2, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Greater Boston, Massachusetts; Springfield, Massachusetts; Worcester, Massachusetts; Connecticut and Southeastern New England marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the New England Milk Producers' Association, Northern Farms Cooperative, Inc., and the Maine Dairymen's Association, Inc.:

**Proposal No. 1.** Amend the definitions of "city plant" and of "country plant" under the Greater Boston order, and amend the schedule of zone price differentials, to provide that any plant located not more than 80 miles from Boston shall be considered as a city plant, and subject to the zone price differentials applicable to the "city plant" zone.

**Proposal No. 2.** Reduce the Class I utilization percentage applicable to pooled distributing plants, under each of the five New England orders, from 50 to 25 percent; or in the alternative, to the same level as the shipping requirement(s) applicable to supply plants.

**Proposal No. 3.** Amend the farm location differential provisions of all of the New England Federal orders to provide that payments for milk produced on farms located in New England will be subject to differentials to the following extent:

(1) Any producer whose farm location would now entitle him to a differential of 46 cents per hundredweight under any New England order shall be entitled to a differential of 46 cents under whichever New England order the milk is delivered.

(2) Any other producer whose farm location would now entitle him to a differential of 23 cents per hundredweight under any New England order shall be entitled to a differential of 23 cents under whichever New England order the milk is delivered.

**Proposal No. 3a.** Revise the factor used in the computation of the New England basic Class I price under each of the New England orders, to adjust the United States wholesale commodity price index to a 1958 base, to reflect the prospective change in the base period used in computing this index.

**Proposal No. 3b.** Modify the provisions for computing a "New England adjustment percentage", used to adjust the current annual rate of per capita dis-



possible personal income in the United States, to delete the word "continental" and substitute the word "the".  
Proposed by the United Farmers of New England, Inc.:

**Proposal No. 4.** In § 1001.20(d) of the Greater Boston order change the word "August" to "July" and add a new subparagraph to read as follows:

(3) No plant shall be eligible for pool plant status under this paragraph in November of any year unless it has met the requirements of paragraph (c) of this section in one of the months of July through October of that year.

Proposed by H. P. Hood & Sons, Inc.:

**Proposal No. 5.** In §§ 1006.20(c), 1007.20(c), 1014.3(c) (3) and 1015.3(c) (2) of the Springfield, Worcester, South-eastern New England and Connecticut orders, respectively, delete "30 percent" and substitute therefor "15 percent".

Proposed by Garelick Brothers Farms, Inc.:

**Proposal No. 6.** Amend § 1014.3(c) (3) of the Southeastern New England order so a country plant will be pooled under the order to which it has made the greatest amount of shipments to city plants, in the event that a country plant qualifies under more than one order. Also, amend this section so a plant must satisfy qualifying provisions under this order even if it was pooled under another order in the qualifying months to be a pool plant in any of the following months of December through June. Also, any plant which did not qualify in all of the months of July through November should not be permitted to be a pool plant in any of the following months of December through June.

Proposed by Guimond Farms, Inc.:

**Proposal No. 7.** Amend § 1014.2(e) and its subparagraphs (1) through (5) of the Southeastern New England order diversion provisions and substitute provisions identical in effect to § 1001.4(k) and its subparagraphs (1) and (2) of the Boston order.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

**Proposal No. 8.** Amend the supply plant definitions under the five New England orders to provide:

(a) That two or more supply plants of one handler may be designated as pool plants for the months of July through November: *Provided*, That the shipment of milk to pool distributing plants during each of these months is equal to 30 percent of its total receipts of producer milk in each of such months.

(b) That shipments from supply plants to plants that are pool distributing plants under any of the New England Federal order markets may be applied as the basis of qualification of supply plants in any one of the markets with the supply plant being pooled in the market in which it sold the largest quantity of milk.

(c) That for the months of December through June a supply plant may have automatic pool plant status provided it had been a pooled supply plant under any of the New England orders during the previous July through November period.

Proposed by Lester E. Rink & Son:

**Proposal No. 9.** Amend § 1006.64(a) of the Springfield, Massachusetts, milk

No. 59—3

marketing order, to include in the 23-cent differential area that portion of the town of Brookline, Vermont, south of a line drawn from the northeast corner of Newfane, Vermont, to the northwest corner of Putney, Vermont.

Proposed by Dairymen's League Cooperative Association, Inc.

**Proposal No. 10.** Amend Connecticut order to provide automatic pool plant status for plants of qualified cooperative associations performing essential supply balancing functions for the Connecticut market.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

**Proposal No. 11.** Amend § 1015.22(c) (2) to read as follows:

(2) In Class II milk to the extent it is not assigned to Class I-B, (i) if diverted or transferred in bulk, or (ii) if transferred as a packaged fluid milk product containing at least 3 percent butterfat to a pool plant as defined in said Federal Order No. 2 or to any plant from which a greater aggregate quantity of fluid milk products is disposed of on routes in the N.Y.-N.J. Marketing Area under Order No. 2 than is disposed of in the Connecticut Marketing Area: *Provided*, That during the months July through November such transfers of fluid milk products in bulk or packaged form shall be classified in Class I milk to the extent they are assigned to Class I-A and are not subject to charges under § 1002.83 of the order for the New York-New Jersey Marketing Area.

**Proposal No. 12.** Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, 230 Congress Street, Boston 10, Massachusetts; Market Administrator, 1049 Asylum Avenue, Hartford, Connecticut, and the Market Administrator, 57 Eddy Street, Providence 3, Rhode Island, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on March 21, 1962.

ROBERT G. LEWIS,  
*Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 62-2910; Filed, Mar. 26, 1962; 8:50 a.m.]

## [ 7 CFR Part 1048 ]

### HANDLING OF MILK IN GREATER YOUNGSTOWN-WARREN MARKETING AREA

#### Notice of Proposed Rule Making; Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as

amended (7 U.S.C. 601 et seq.), the suspension, for the months of April through August 1962, of certain provisions of the order regulating the handling of milk in the Youngstown-Warren marketing area is being considered.

The provision proposed to be suspended is: In § 1048.12(a) (1) the words "supply plants" for the months of April through August 1962.

All persons desiring to submit data, views and arguments with respect to the foregoing proposed suspension may do so by forwarding four copies thereof postmarked not later than three days after publication of this notice in the FEDERAL REGISTER, to the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C.

Signed at Washington, D.C., March 21, 1962.

ROBERT G. LEWIS,  
*Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 62-2895; Filed, Mar. 26, 1962; 8:48 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 171 [New], 173 [New], 175 [New], 177 [New], 179 [New], 401, 414, 415, 418, 612 ]

[Draft Release No. 62-12]

### ADMINISTRATIVE REGULATIONS

#### Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 401, 414, 415, 418, and 612 of the Regulations of the Administrator. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Subchapter J—Administrative Regulations [New] containing the recodified parts.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications must be submitted in duplicate to the Director of Rules Codification, Federal Aviation Agency, Room B-714, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 7, 1962, will be considered before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the office of the Director of Rules Codification for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The object of the new chapter is to restate existing regulations, not to make new ones. The



pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive change has been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in proposed Part 1 [New], published in the *FEDERAL REGISTER* on February 21, 1962 (27 F.R. 1654), would apply to proposed Subchapter J [New].

In consideration of the foregoing, it is proposed to amend Chapter III of Title 14 by deleting Parts 401, 414, 415, 418, and 612 and to amend Chapter I of that title by adding Subchapter J [New] reading as hereinafter set forth.

This amendment is proposed under the authority of sections 301(c), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), and 1355) and section 501 of the Act of August 31, 1951 (5 U.S.C. 140).

Issued in Washington, D.C., on March 21, 1962.

N. E. HALABY,  
*Administrator.*

#### SUBCHAPTER J—ADMINISTRATIVE REGULATIONS [New]

##### Part

- 171 Seal [New].
- 173 Representatives of the Administrator [New].
- 175 Testimony by Employees and Production of Records in Legal Proceedings [New].
- 177 Fees for Copying and Certifying Federal Aviation Agency Records [New].
- 179 Use of Federal Aviation Agency Communications System [New].

#### PART 171—SEAL [New]

##### § 171.1 Seal.

The seal of the Federal Aviation Agency has, within a gold border, a blue background bearing in gold letters near its outer rim the words "Federal Aviation Agency" and "United States of America", with the two phrases separated by two stars. It has in the center, on a white disk, a light green globe

charged with a gold four-pointed compass rose that has a stylized gold wing on its horizontal axis.



[Revision note: Based on § 401.1]

#### PART 173—REPRESENTATIVES OF THE ADMINISTRATOR [New]

##### Subpart A—General

###### Sec.

- 173.1 Scope.

##### Subpart B—Certification of Representatives

- 173.11 Selection.
- 173.13 Certification.
- 173.15 Duration of certificates.
- 173.17 Reports.

##### Subpart C—Kinds of Designations: Privileges

- 173.21 Aviation Medical Examiners.
- 173.23 Pilot Examiners.
- 173.25 Technical personnel examiners.
- 173.27 Designated aircraft maintenance inspectors.
- 173.29 Designated engineering representatives.
- 173.31 Designated manufacturing representatives.

##### Subpart A—General

##### § 173.1 Scope.

This part describes the requirements for designating private persons to act as representatives of the Administrator in examining, inspecting, and testing persons and aircraft for the purpose of issuing airman and aircraft certificates. In addition, it states the privileges of those representatives and prescribes rules for their exercising of those privileges.

[Revision note: Based on § 418.1]

##### Subpart B—Certification of Representatives

##### § 173.11 Selection.

(a) The Civil Air Surgeon, or his designee, selects Aviation Medical Examiners from qualified physicians who apply.

(b) Any local Flight Standards Inspector may select a Flight Standards Designated Representative, except an Engineering and Manufacturing Inspection Representative, whenever he determines there is a need for one.

(c) The Chief of the Engineering and Manufacturing Division, or his designee, selects Designated Engineering Representatives and Designated Manufacturing Inspection Representatives from qualified persons who apply by a letter accompanied by a "Statement of Quali-

fications of Designated Engineering Representative" or a "Statement of Qualifications for Designated Manufacturing Inspection Representative", as the case may be.

(d) The Director, Air Traffic Service, selects Air Traffic Control Tower Operator Examiners.

[Revision note: Based on § 418.10]

##### § 173.13 Certification.

(a) A "Certificate of Designation" and an appropriate Identification Card is issued to each Aviation Medical Examiner.

(b) A "Certificate of Authority" specifying the kinds of designation for which the person concerned is qualified and stating an expiration date is issued to each Flight Standards Designated Representative, along with a "Certificate of Designation" for display purposes, designating the holder as a Flight Standards Representative and specifying the kind of designation for which he is qualified.

[Revision note: Combines §§ 418.11 and 418.12(a) (last sentence)]

##### § 173.15 Duration of certificates.

(a) A designation as an Aviation Medical Examiner is valid until terminated under paragraph (c) of this section, but must be revalidated on or before January 1 of each year by a letter of designation and a new identification card issued by the Civil Air Surgeon that specifies the year during which the designation is valid.

(b) Unless sooner terminated under paragraph (c) of this section, a designation as a Flight Standards Designated Representative is effective for one year after the date it is issued and may be renewed for additional periods of one year in the Administrator's discretion.

(c) A designation made under this subpart terminates—

(1) Upon the written request of the representative;

(2) Upon the written request of the employer in any case in which the recommendation of the employer is required for the designation;

(3) Upon the representative being separated from the employ of the employer who recommended him for certification;

(4) Upon a finding by the Administrator that the representative has not properly performed his duties under the designation;

(5) Upon the assistance of the representative being no longer needed by the Administrator; or

(6) For any other reason the Administrator considers appropriate.

[Revision note: Based on § 418.12 (less last sentence of paragraph (a))]

##### § 173.17 Reports.

Each representative designated under this part shall make such reports as are prescribed by the Administrator.

[Revision note: Based on § 418.13]

##### Subpart C—Kinds of Designations: Privileges

##### § 173.21 Aviation Medical Examiners.

(a) An Aviation Medical Examiner may:



(1) Accept applications for physical examinations necessary for issuing medical certificates under Part ---- (Present Part 29) of this chapter;

(2) Under the general supervision of the Civil Air Surgeon or the appropriate senior regional flight surgeon, conduct those physical examinations;

(3) Issue or deny medical certificates in accordance with Part ---- of this chapter (Present Part 29); and

(4) As requested, participate in investigating aircraft accidents.

(b) The Civil Air Surgeon may designate a qualified forensic pathologist to assist in the medical investigation of aircraft accidents and issue an appropriate "Certificate of Designation" and an Identification Card to him. When on duty, such a consultant is entitled to a fee from the United States.

[Revision note: Based on § 418.20]

#### § 173.23 Pilot Examiners.

(a) The FAA issues the following kinds of pilot examiner designations:

- (1) Pilot Examiner.
- (2) Instrument Rating Examiner.
- (3) Airline Transport Pilot Examiner.

(b) Any pilot examiner named in paragraph (a) of this section may:

(1) As authorized in his designation, accept applications for flight tests necessary for issuing pilot certificates and ratings under this chapter;

(2) Under the general supervision of the appropriate local Flight Standards Inspector, conduct those tests; and

(3) In the discretion of the appropriate local Flight Standards Inspector, issue temporary pilot certificates and ratings to qualified applicants.

[Revision note: Based on § 418.21]

#### § 173.25 Technical personnel examiners.

(a) The FAA issues the following kinds of technical personnel examiner designations:

- (1) Mechanic Examiner (airframe and powerplant).
- (2) Parachute Rigger Examiner.
- (3) Air Traffic Control Tower Operator Examiner.
- (4) Flight Navigator Examiner.
- (5) Flight Engineer Examiner.

(b) A designated mechanic examiner (DME) may:

(1) Accept applications for, and conduct, mechanic oral and practical tests necessary for issuing mechanic certificates under Part -- of this chapter (Present Part 24); and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary mechanic certificates to qualified applicants.

(c) A designated parachute rigger examiner (DPRE) may:

(1) Accept applications for, and conduct, oral and practical tests necessary for issuing parachute rigger certificates under Part -- of this chapter (Present Part 25); and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary parachute rigger certificates to qualified applicants.

(d) An air traffic control tower operator examiner may:

(1) Accept applications for, and conduct, written and practical tests necessary for issuing control tower operator certificates under Part -- of this chapter (Present Part 26); and

(2) In the discretion of the Director, Air Traffic Service, issue temporary control tower operator certificates to qualified applicants.

(e) A designated flight engineer examiner (DFEE) may:

(1) Accept applications for, and conduct, oral and practical tests necessary for issuing flight engineer certificates under Part -- of this chapter (Present Part 35); and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary flight engineer certificates to qualified applicants.

(f) A designated flight navigator examiner (DFNE) may:

(1) Accept applications for, and conduct, oral and practical tests necessary for issuing flight navigator certificates under Part -- of this chapter (Present Part 34); and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary flight navigator certificates to qualified applicants.

[Revision note: Based on § 418.22]

#### § 173.27 Designated aircraft maintenance inspectors.

A designated aircraft maintenance inspector (DAMI) may approve maintenance on civil aircraft used by United States military flying clubs in foreign countries.

[Revision note: Based on § 418.23]

#### § 173.29 Designated engineering representatives.

(a) The FAA issues the following kinds of engineering representative designations (DER):

- (1) Structural engineering.
- (2) Powerplant engineering.
- (3) Systems and equipment engineering.
- (4) Radio engineering.
- (5) Engine engineering.
- (6) Propeller engineering.
- (7) Flight analyst.
- (8) Flight test pilot.

(b) A structural engineering representative may approve structural engineering information and other structural considerations within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information and other structural considerations comply with the applicable regulations of this chapter.

(c) A powerplant engineering representative may approve information relating to powerplant installations within limitations prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(d) A systems and equipment engineering representative may approve engineering information relating to equipment and systems, other than those of a structural, powerplant, or radio nature, within limits prescribed by and

under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(e) A radio engineering representative may approve engineering information relating to the design and operating characteristics of radio equipment, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(f) An engine engineering representative may approve engineering information relating to engine design, operation, and service, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(g) A propeller engineering representative may approve engineering information relating to propeller design, operation, and maintenance, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(h) A flight analyst representative may approve flight test information, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(i) A flight test pilot representative may make flight tests, and prepare and approve flight test information relating to compliance with the regulations of this chapter, within limits prescribed by and under the general supervision of the Administrator.

[Revision note: Based on § 418.24]

#### § 173.31 Designated manufacturing inspection representative.

A designated manufacturing inspection representative (DMIR) may:

(a) Issue original airworthiness and export certificates for aircraft, engines, propellers, and other type certificated products that conform to approved type design requirements;

(b) Issue export ferry permits;

(c) Make station and conformity inspections; and

(d) Make any other inspections that may be necessary to determine whether prototype and production articles are airworthy and safe for operation.

An authorization under this section is valid only for the manufacturing plant at which the representative is employed.

[Revision note: Based on § 418.25]

#### PART 173—DISTRIBUTION TABLE

| Present section                         | Revised section |
|-----------------------------------------|-----------------|
| 418.1-----                              | 173.1           |
| 418.2-----                              | Trf. to Part 1  |
| 418.3-----                              | Surplusage      |
| 418.10-----                             | 173.11          |
| 418.11-----                             | 173.13          |
| 418.12(a) (last sentence)-----          | 173.13          |
| 418.12 (less last sentence of (a))----- | 173.15          |
| 418.13-----                             | 173.17          |
| 418.20-----                             | 173.21          |



## PART 173—DISTRIBUTION TABLE—Continued

| Present section | Revised section |
|-----------------|-----------------|
| 418.21-----     | 173.23          |
| 418.22-----     | 173.25          |
| 418.23-----     | 173.27          |
| 418.24-----     | 173.29          |
| 418.25-----     | 173.31          |

# PART 175—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS [New]

| Sec.   | Purpose.                                                                            |
|--------|-------------------------------------------------------------------------------------|
| 175.1  | Deviation from policy.                                                              |
| 175.3  | Testimony by FAA employees in proceedings involving the United States.              |
| 175.5  | Legal proceedings between private litigants: General rule.                          |
| 175.7  | Legal proceedings between private litigants: Subpoenas.                             |
| 175.9  | Legal proceedings between private litigants: Factual testimony.                     |
| 175.11 | Legal proceedings between private litigants: Expert or opinion testimony.           |
| 175.13 | Legal proceedings between private litigants: Disclosure of FAA documents and files. |
| 175.15 | Acceptance of service on behalf of Administrator.                                   |

## § 175.1 Purpose.

This part prescribes the policies and procedures of the Federal Aviation Agency with respect to testimony of its employees as witnesses in legal proceedings, the release or disclosure of FAA files and documents, and the serving of legal process and pleadings.

[Revision note: Based on § 415.1]

## § 175.3 Deviation from policy.

Only the General Counsel or the appropriate Regional Counsel may grant permission to deviate from a policy prescribed in this Part. He may grant that permission only when:

- It is necessary to prevent a miscarriage of justice;
- The FAA has an interest in the decision that may be rendered in the legal proceeding; or
- The deviation is in the best interests of civil aviation or the United States.

[Revision note: Based on § 415.4]

## § 175.5 Testimony by FAA employees in proceedings involving the United States.

(a) An FAA employee shall testify as a witness for the United States whenever, in any legal proceeding involving the United States, the attorney in charge of presenting the case for the United States requests it.

(b) An FAA employee may not testify as an expert or opinion witness for an adverse party in any legal proceeding in which the United States is involved, but may testify as to facts.

[Revision note: Based on § 415.2]

## § 175.7 Legal proceedings between private litigants: General rule.

An FAA employee may not testify as an expert or opinion witness in any legal proceeding between private litigants, for the following reasons:

(a) To conserve the time of employees for conducting official business.

(b) To minimize the possibility of criticism against the FAA in cases where its employees participate in controversial issues.

(c) To avoid spending the time and money of the United States for private purposes.

Private litigants are expected to obtain their expert witnesses from private sources.

[Revision note: Based on § 415.3 (less (a)-(d))]

## § 175.9 Legal proceedings between private litigants: Subpoenas.

(a) Whenever, in a legal proceeding between private litigants, an FAA employee has been properly served with a subpoena, he shall appear at the time and place specified in it. He shall immediately report the service to the General Counsel or appropriate Regional Counsel, who shall determine whether the employee is required to comply and shall provide legal representation for the employee.

(b) Whenever an employee's compliance with a subpoena would seriously affect the performance of official duties, or require producing FAA documents or files the release of which is prohibited by Agency Standard Practice Part 7, the General Counsel or Regional Counsel, as appropriate, shall attempt to have the subpoena withdrawn or modified.

[Revision note: Based on § 415.3(a)]

## § 175.11 Legal proceedings between private litigants: Factual testimony.

(a) An FAA employee who has been properly subpoenaed in a legal proceeding between private litigants shall testify as to facts within his personal knowledge, even if the facts are embodied in a report that he is not permitted to produce. However, he must obtain the permission of the General Counsel or Regional Attorney, as appropriate, before disclosing any information that is restricted by statute or that would violate an FAA regulation.

(b) An employee who gives factual testimony shall avoid any statements of opinion.

[Revision note: Based on § 415.3(b)]

## § 175.13 Legal proceedings between private litigants: Expert or opinion testimony.

If, in testifying in a legal proceeding between private litigants, an FAA employee is asked a question calling for expert or opinion testimony, he shall decline to answer on the grounds that he is forbidden to do so by this part. If the court then orders him to testify, the employee shall do so.

[Revision note: Based on § 415.3(c)]

## § 175.15 Legal proceedings between private litigants: Disclosure of FAA documents and files.

(a) It is the policy of the Administrator to make factual information in the possession of the FAA available to persons who are properly and directly

concerned, based on the principle that the FAA exists to serve the public and that a free sharing of information within the government of the United States and with the public is usually in the public interest. For these reasons, an FAA employee may release information, documents, and records, as authorized by Agency Standard Practice Part 7, to other agencies of the United States and to the general public.

(b) Information, documents, and records are in the custody of FAA employees only for purposes relating to the performance of their official duties. Such an employee has no authority or discretion to permit their use for any other purpose. Except for documents or files the release of which is authorized by Agency Standard Practice Part 7, no FAA employee may release FAA information, documents, or records or produce them in a court, whether in answer to a subpoena ordering that they be produced, or otherwise.

(c) An FAA employee may not produce an FAA document or record in court except upon a clearance from the General Counsel or Regional Counsel, as appropriate. If an employee receives a subpoena or request to produce such a document or record, he shall refer it to the General Counsel or Regional Counsel, as appropriate. If the request or subpoena calls for producing documents the release of which is authorized by Agency Standard Practice Part 7, the General Counsel or Regional Counsel, as appropriate, shall honor it.

(d) If an FAA employee is served with a subpoena calling for producing FAA documents or records the release of which is restricted by statute or FAA regulation, the General Counsel or Regional Counsel, as appropriate, shall attempt to have the subpoena withdrawn or vacated. If this cannot be done, the employee shall appear at the time and place specified in the subpoena, accompanied by a representative of the Office of the General Counsel or Regional Counsel, as appropriate, and explain to the court that FAA regulations prohibit him from producing the documents or records, whether in answer to a subpoena or otherwise.

(e) If an FAA employee who follows the procedure set forth in subsection (d) is cited for contempt of court, the General Counsel or Regional Counsel, as appropriate, shall request the local United States Attorney to begin habeas corpus proceedings. The Regional Counsel concerned shall report immediately to the General Counsel whenever he learns of such a case. The General Counsel shall then request the necessary cooperation of the Department of Justice in Washington, D.C.

[Revision note: Based on § 415.3(d)]

## § 175.17 Acceptance of service on behalf of Administrator.

Legal process or pleadings in judicial and administrative proceedings, including proceedings before the Civil Aeronautics Board and Federal Aviation Agency proceedings, may be served, at the option of the server, on the General Counsel, Deputy General Counsel, or As-



sociate General Counsel for Enforcement, Litigation, and Claims, of the FAA, with the same effect as if served upon the Administrator. Such an official accepts and acknowledges service and takes further action thereon as appropriate.

[Revision note: Based on § 415.5]

#### PART 175—DISTRIBUTION TABLE

| Present section           | Revised section |
|---------------------------|-----------------|
| 415.1-----                | 175.1           |
| 415.2-----                | 175.5           |
| 415.3 (less (a)-(d))----- | 175.7           |
| 415.3(a)-----             | 175.9           |
| 415.3(b)-----             | 175.11          |
| 415.3(c)-----             | 175.13          |
| 415.3(d)-----             | 175.15          |
| 415.4-----                | 175.3           |
| 415.5-----                | 175.17          |

#### PART 177—FEES FOR COPYING AND CERTIFYING FEDERAL AVIATION AGENCY RECORDS [New]

Sec.

- 177.1 Scope.
- 177.3 Copying and search of records.
- 177.5 Affixing of seal.
- 177.7 Payment of fees.

##### § 177.1 Scope.

This part prescribes fees for services performed by the Federal Aviation Agency.

[Revision note: Based on § 414.1]

##### § 177.3 Copying and search of records.

(a) The fees for searching records and furnishing photostatic or similar copies of documents that are not more than 12 inches by 18 inches are as follows:

|                                  | Each page |
|----------------------------------|-----------|
| Aircraft and airmen records----- | \$0.50    |
| Other documents-----             | 1.00      |

(b) The fees for searching records and furnishing duplicate original documents are as follows:

|                          | Each page |
|--------------------------|-----------|
| Airman certificate-----  | \$2.00    |
| Medical certificate----- | 2.00      |
| Other documents-----     | 1.00      |

[Revision note: Based on § 414.2]

##### § 177.5 Affixing of seal.

The fee for a certification or validation with the FAA seal is \$1.00.

[Revision note: Based on § 414.3]

##### § 177.7 Payment of fees.

The fees prescribed in this Part may be paid by check, draft, or postal money order payable to the Federal Aviation Agency.

[Revision note: Based on § 414.4]

#### PART 177—DISTRIBUTION TABLE

| Present section | Revised section |
|-----------------|-----------------|
| 414.1-----      | 177.1           |
| 414.2-----      | 177.3           |
| 414.3-----      | 177.5           |
| 414.4-----      | 177.7           |

#### PART 179—USE OF FEDERAL AVIATION AGENCY COMMUNICATIONS SYSTEM [New]

Sec.

- 179.1 Scope.
- 179.3 Kinds of messages accepted.

Sec.

- 179.5 Charges for messages.
- 179.7 Limitation of liability.

##### § 179.1 Scope.

This part describes the kinds of messages that may be transmitted by FAA communications stations and prescribes the charges therefor.

[Revision note: Based on § 612.1]

##### § 179.3 Kinds of messages accepted.

(a) Any FAA International Flight Service Station or FAA Flight Service Station located outside of the 48 contiguous States and the District of Columbia may accept for transmission the messages, concerning international or overseas aircraft operations, described in subparagraphs (1) to (8) of this paragraph. Other FAA Flight Service Stations may accept for transmission only messages described in subparagraphs (1) to (6) of this paragraph, but may relay any message described in this section that was originally accepted for transmission at an FAA Service Station outside of the 48 contiguous States and the District of Columbia, or was received from a foreign station of the integrated international aeronautical network, and that in normal routing would require transit of the 48 contiguous States and the District of Columbia to reach an overseas address:

(1) Distress messages and distress traffic.

(2) Messages concerning the safety of human life.

(3) Flight safety messages concerning:

(i) Air traffic control, including:

(a) Messages concerning aircraft in flight or about to depart;

(b) Departure messages;

(c) Flight plan departure messages;

(d) Arrival messages;

(e) Flight plan messages;

(f) Flight notification messages;

(g) Messages concerning flight cancellation; and

(h) Messages concerning delayed departure;

(ii) Position reports from aircraft;

(iii) Messages originated by an aircraft operating agency of immediate concern to an aircraft in flight or about to depart; and

(iv) Meteorological advice of immediate concern to an aircraft in flight or about to depart.

(4) Meteorological messages concerning:

(i) Meteorological forecasts;

(ii) Meteorological observations exclusively;

(iii) Other meteorological information exchanged between meteorological offices;

(5) Aeronautical administrative messages:

(i) Concerning the operation or maintenance of facilities essential to the safety or regularity of aircraft operation;

(ii) Essential to efficient functioning of aeronautical tele-communications; and

(iii) Between civil aviation authorities concerning aircraft operation.

(6) Notices to airmen.

(7) Flight regularity messages:

(i) Addressed to the point of intended landing and to not more than two other addressees in the general area of the route segment of the flight to which the message refers, containing information required for weight and balance computation and remarks essential to the rapid unloading of the aircraft;

(ii) Concerning changes, taking effect within 72 hours, in aircraft operating schedules;

(iii) Concerning the servicing of aircraft en route or scheduled to depart within 48 hours;

(iv) Concerning changes in the collective requirements for passengers, crew, or cargo of aircraft en route or about to depart, if the changes are caused by unavoidable deviations from normal operating schedules and are necessary for flight regularity;

(v) Concerning non-routine landings to be made by aircraft en route or about to depart;

(vi) Concerning parts or materials urgently needed to operate aircraft en route or scheduled to depart within 48 hours; and

(vii) Concerning pre-flight arrangement of air navigation services and, in the case of non-scheduled or irregular operations, operational servicing of aircraft scheduled to depart within 48 hours.

(8) Messages originated by and addressed to aircraft operating agencies or their representatives that directly bear on the efficient and economic conduct of day to day operations, if adequate non-United States communication facilities are not available and the messages concern:

(i) Matter described in subparagraph (7) of this paragraph, but not meeting the time limitations described therein;

(ii) Aircraft parts, equipment, or supplies, air navigation or communications, or essential ground facilities;

(iii) Train or hotel reservations for passengers or employees;

(iv) Lost baggage or personal effects;

(v) Tickets or cargo shipments and payment therefor;

(vi) Location of passengers and cargo;

(vii) New or revised passenger or cargo rates;

(viii) Crew assignments and similar operations personnel matters taking effect within 7 days;

(ix) Post flight reports for record purposes;

(x) Publicity and special handling regarding dignitaries; and

(xi) Reservations, when originated by aircraft operating agencies to secure space required in transport aircraft.

(b) The messages described in subparagraphs (1) to (7) of paragraph (a) of this section are given priority over the messages described in subparagraph (8) of paragraph (a) of this section.

[Revision note: Combines §§ 612.2 and 612.5]

##### § 179.5 Charges for messages.

(a) The messages described in § 179.3 (a) (1) to (7) are transmitted without charge.

(b) The charge for a message that, in whole or in part, contains matters de-



scribed in § 179.3(a) (8), is 25 cents for each ten words, or part thereof, of text and signature, plus applicable taxes, for each addressee.

(c) Whenever the refiling of a message with a non-FAA communications facility is necessary, the refiling is made on a "collect" basis at no cost to, or assumption of liability by, the FAA. The cost of local telecommunications facilities used for the acceptance or delivery of a message must be paid by the user.

(d) Charges must be paid in United States currency to the FAA official in charge of the communication station first receiving the message, or to any other designated FAA official. However, the Assistant Administrator of the area in which the FAA communications station first transmitting or receiving the message is located may make advance arrangements for deferred payment of charges on a periodic basis or in any specific case where advance payment is not practicable.

[Revision note: Combines §§ 612.3 and 612.4]

### § 179.7 Limitation of liability.

The United States is not liable, beyond the amount of the charge made, for any error or delay, in transmission or delivery, or for nondelivery, of any message accepted for transmission under this part, even if the error, delay or nondelivery is caused by the negligence of an employee of the United States.

[Revision note: Based on § 612.6]

#### PART 179—DISTRIBUTION TABLE

| Present section | Revised section |
|-----------------|-----------------|
| 612.1-----      | 179.1           |
| 612.2-----      | 179.3           |
| 612.3-----      | 179.5           |
| 612.4-----      | 179.5           |
| 612.5-----      | 179.3           |
| 612.6-----      | 179.7           |

[F.R. Doc. 62-2904; Filed, Mar. 26, 1962; 8:49 a.m.]

### [ 14 CFR Part 608 ]

[Airspace Docket No. 61-NY-14]

#### SPECIAL USE AIRSPACE

##### Proposed Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.66 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Army to alter the Camp Pickett, Va., Restricted Area R-6602 to contain additional firing activities transferred from the Camp Hill, Va., Restricted Area R-6601.

The current Restricted Area R-6602 is designated from the surface to 22,000 feet MSL and the designated time of use is continuous. The Commanding General, Second United States Army, Fort Meade, Md., is the using agency.

As a result of conferences with representatives of the using agency, the Federal Aviation Agency is considering an increase in size of R-6602 and a change in time of designation from "continuous" to "continuous from June 1 through September 8; 0600 e.s.t. Saturday to 2200 e.s.t. Sunday from September 9 through May 31; other times as published by NOTAMS at least 48 hours in advance". No change is contemplated in the designated altitudes. Utilization of R-6602 would be on a joint-use basis to permit aircraft to transit the area when it is not in use for its designated purpose.

If these actions are taken, Restricted Area R-6602 would be redesignated as follows:

R-6602 Camp Pickett, Va.

*Boundaries.* Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°00'56" N., longitude 77°50'55" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to the point of beginning.

*Designated altitudes.* Surface to 22,000 feet MSL.

*Time of designation.* Continuous from June 1 through September 8; 0600 e.s.t., Saturday to 2200 e.s.t., Sunday from September 9 through May 31; other times as published by NOTAMS at least 48 hours in advance.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commanding General, Second United States Army, Fort Meade, Md.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 20, 1962.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-2873; Filed, Mar. 26, 1962; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 3 ]

[Docket No. 13852 (RM-102, RM-183)]

#### TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN MAINE

##### Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Augusta, Bangor, Calais, and Presque Isle, Maine), Docket No. 13852 (RM-102 and RM-183).

1. In a request filed March 19, 1962, Community Telecasting Service, licensee of Station WABI-TV, Channel 5, Bangor, Maine, and an applicant for a construction permit for Channel 7 in Calais, Maine, stated that it is currently preparing comments invited by the Order to Stay and Further Notice of Proposed Rule Making released herein on February 26, 1962.

2. It is further stated that in connection with such comments it is undertaking engineering studies dealing with the proposed assignment of Channel 3 to Calais, Maine, but that such studies cannot be completed by March 26, 1962, the presently specified date for filing comments.

3. For this reason a three-week extension of time for filing comments and reply comments is requested.

4. It appears that such a request is reasonable and that it is in the public interest to extend the time as requested.

5. In view of the foregoing: It is ordered, This 20th day of March 1962, That the request for extension of time filed by Community Telecasting Service is granted and that the time for filing comments in this proceeding is extended from March 26, 1962, to April 6, 1962, and the time for filing reply comments is extended from April 13, 1962, to May 4, 1962.

6. This action is taken pursuant to authority found in sections 4(i), 5(d) (1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d) (8) of the Commission's rules.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
Acting Secretary.

[SEAL]

[F.R. Doc. 62-2925; Filed, Mar. 26, 1962; 8:51 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 55590]

## COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE CROWN COLONY OF HONG KONG

### Restrictions on the Entry or Withdrawal From Warehouse

MARCH 26, 1962.

There is published below a letter of March 20, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain cotton textiles and cotton textile products produced or manufactured in the Crown Colony of Hong Kong which were exported from Hong Kong on or after March 3, 1962.

Accordingly, it is hereby ordered that cotton textiles and cotton textile products produced or manufactured in the Crown Colony of Hong Kong and included in the eight categories described in detail in the "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Agreement Categories," attached to the aforesaid letter, which are exported from Hong Kong on or after March 3, 1962, shall be refused entry into the United States for consumption, except that those cotton textiles or cotton textile products exported pursuant to export licenses issued by the Government of Hong Kong prior to March 3, 1962, shall be permitted entry upon proof thereof. The procedures set forth in §§ 12.70 to 12.73 of the Customs regulations shall apply to such articles.

[SEAL]

JAMES A. REED,  
Assistant Secretary,  
of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE  
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE  
COMMITTEE

MARCH 20, 1962.

The Honorable C. DOUGLAS DILLON,  
The Secretary of the Treasury,  
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of March 16, 1962, to you from the President of the United States delegating authority under certain parts of Section 204 of the Agricultural Act of 1956, and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, and in accordance with Article IA of the Arrangements Regarding International Trade in Cotton Textiles, done at Geneva July 21, 1961, the Interagency Textile Administrative Committee recommends and requests that you take the following actions:

Cotton textiles and cotton textile products produced or manufactured in the Crown Colony of Hong Kong and included in the eight categories described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Agreement Categories" which are exported from Hong Kong on or after March 3,

1962, shall be refused entry into the United States for consumption, except that those cotton textiles or cotton textile products exported pursuant to export licenses issued by the Government of Hong Kong prior to March 3, 1962, shall be permitted entry upon proof thereof.

This recommendation was arrived at on the 19th day of March 1962 by a unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, Jr.,  
Chairman.

UNITED STATES DEPARTMENT OF COMMERCE

### BUSINESS AND DEFENSE SERVICES ADMINISTRATION

### Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Categories

#### Category 5: Gingham, carded yarn

| Schedule A<br>Numbers | U.S.I.D.A.<br>Numbers |
|-----------------------|-----------------------|
| 3068 100              | 0904 300              |
|                       | 0905 300              |
|                       | 0904 600              |
|                       | 0905 600              |
|                       | 0904 900              |
|                       | 0905 900              |

#### Category 9: Sheeting, carded yarn

|          |          |
|----------|----------|
| 3048 210 | 0904 110 |
| 3048 230 | 0905 110 |
| 3058 200 | 0904 112 |
| 3068 200 | 0905 112 |
|          | 0904 212 |
|          | 0905 212 |
|          | 0904 312 |
|          | 0905 312 |

#### Category 22: Twill and sateen, carded yarn

|          |          |
|----------|----------|
| 3048 700 | 0904 170 |
| 3058 700 | 0905 170 |
| 3068 700 | 0904 470 |
|          | 0905 470 |
|          | 0904 770 |
|          | 0905 770 |
|          | 0904 270 |
|          | 0905 270 |
|          | 0904 570 |
|          | 0905 570 |
|          | 0904 870 |
|          | 0905 870 |
|          | 0904 370 |
|          | 0905 370 |
|          | 0904 670 |
|          | 0905 670 |
|          | 0904 970 |
|          | 0905 970 |

#### Category 26: Fabrics, n.e.s., carded yard

|          |           |
|----------|-----------|
| 3048 900 | 0904 192  |
| 3058 900 | 0905 192  |
| 3068 900 | 0904 492  |
| 3075 010 | 0905 492  |
| 3078 010 | 0904 792  |
| 3080 210 | 0905 792  |
| 3081 350 | 0904 292  |
| 3081 410 | 0905 292  |
| 3963 010 | 0904 592  |
|          | 0905 592  |
|          | 0904 892  |
|          | 0905 892  |
|          | 0904 392  |
|          | 0905 392  |
|          | 0904 692  |
|          | 0905 692  |
|          | 0904 992  |
|          | 0905 992  |
|          | 0906 1000 |
|          | 0908 1000 |

#### Category 26: Fabrics, n.e.s., carded yarn— Continued

| Schedule A<br>Numbers | U.S.I.D.A.<br>Numbers |
|-----------------------|-----------------------|
|                       | 0909 4520             |
|                       | 0909 5020             |
|                       | 0909 0520             |
|                       | 0909 2020             |
|                       | 0909 2520             |
|                       | 0909 3020             |
|                       | 1122 1000             |

#### Category 43: Knitshirts, other than T-shirts and sweatshirts (including infants)

|          |           |
|----------|-----------|
| 3112 740 | 0917 1560 |
|----------|-----------|

#### Category 44: Sweaters and cardigans

|          |           |
|----------|-----------|
| 3112 760 | 0917 2060 |
|----------|-----------|

#### Category 48: Raincoats, $\frac{3}{4}$ length or over

|          |           |
|----------|-----------|
| 3113 212 | 0919 3100 |
| 3113 214 | 0919 3110 |
| 3113 218 | 0919 3120 |
| 3113 848 | 0919 7100 |
| 3113 851 | 0919 7120 |
| 3113 854 | 0919 7160 |

#### Category 49: All other coats

|          |           |
|----------|-----------|
| 3113 222 | 0919 3150 |
| 3113 224 | 0919 3160 |
| 3113 228 | 0919 3170 |
| 3113 857 | 0919 7200 |
| 3113 860 | 0919 7220 |
| 3113 863 | 0919 7260 |

[F.R. Doc. 62-3033; Filed, Mar. 26, 1962;  
12:56 p.m.]

### Office of the Secretary

[AA 643.3-M]

## HILLMAN AUTOMOBILES FROM ENGLAND

### Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Hillman automobiles from England were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Hillman automobiles from England are not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

**Statement of reasons.** In view of the relationship existing between the manufacturer and importer, a fair value comparison was made between exporter's sales price and the home market price.

In the determination of exporter's sales price, deductions from the c.i.f. duty-paid selling price to United States dealers were made for ocean freight, insurance and brokerage, handling, United States import duty, inland freight, selling expense, warranty, and advertising.

In calculating the adjusted home market price, allowances were made for differences in circumstance of sale occurring in the home market. Deductions were made from the selling price to home market dealers for selling expense, warranty, and advertising. An addition was made to the home market price for cost differences in the United States model



automobile, which were not applicable to the home market model.

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present and future sales are not nor will be at a dumping price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

JAMES A. REED,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 62-2898; Filed, Mar. 26, 1962;  
8:48 a.m.]

[AA 643.3-M]

## FIAT AUTOMOBILES FROM ITALY

### Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Fiat automobiles from Italy were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Fiat automobiles from Italy are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* In view of the interrelationship between the importer and the seller of the automobiles, a fair value comparison was made between exporter's sales price and the home market price.

In the determination of the exporter's sales price, deductions were made from the f.o.b. dock duty paid selling price to the United States distributors, for ocean freight, marine insurance, United States import duty, and customs brokerage. The tax refund and drawback, rebated to the manufacturer on exportation of the automobiles, were added as required by statute. Since deliveries are made at the dock to the established distributors in the United States, who in turn absorb handling, storage, and selling expenses, no deductions were made for these items.

In calculating the home market price, a deduction was made from the Italian retail price for a distributor's discount, which is granted to the home market distributors. Allowances were also made for differences in circumstances of sale in the home market and adjustment was accorded to the home market price for financing costs, transportation and delivery to the retail purchasers, advertising (difference between United States and home market), and training schools and warranty (in excess over cost in the United States).

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present

and future sales are not nor will be at a dumping price.

This determination and the statement of reasons therefor are published pursuant to section 210(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

JAMES A. REED,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 62-2899; Filed, Mar. 26, 1962;  
8:48 a.m.]

[AA 643.3-M]

## FORD ANGLIA AUTOMOBILES FROM UNITED KINGDOM

### Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Ford Anglia automobiles from the United Kingdom were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Ford Anglia automobiles from the United Kingdom are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* Since an exclusive relationship exists between the importer and the seller of the automobiles, a fair value comparison was made between exporter's sales price and home market price.

In computing exporter's sales price, deductions for the costs of ocean freight, insurance, port dues, United States import duty, and selling expenses incurred in the United States were made from the selling price to the retail dealer in the United States.

The home market price to retail dealers was used as a basis for fair value comparison since sales in the United States are made to the same category of purchaser and in similar quantities.

In calculating the home market price, adjustment was made to reflect certain production cost differences existing between the model sold in the home market and the model sold for export to the United States. Allowances were also made for the following items: policy and warranty, advertising and sales promotion, and for other administrative and commercial expenses.

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present and future sales are not nor will be at a dumping price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

JAMES A. REED,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 62-2900; Filed, Mar. 26, 1962;  
8:49 a.m.]

[AA 643.3-M]

## M.G.A. AUTOMOBILES FROM UNITED KINGDOM

### Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether M.G.A. automobiles from the United Kingdom were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that M.G.A. automobiles from the United Kingdom are not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* It was found that home market sales were inadequate to provide a basis for comparison and that a comparison between prices to the United States and prices for exportation to third countries did not indicate the existence of sales at less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

JAMES A. REED,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 62-2901; Filed, Mar. 26, 1962;  
8:49 a.m.]

[AA 643.3-M]

## OPEL AUTOMOBILES FROM WEST GERMANY

### Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Opel automobiles from West Germany were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Opel automobiles from West Germany are not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* Since the manufacturer is a subsidiary of the exclusive importer, a fair value comparison was made between exporter's sales price and adjusted home market price.

In calculating exporter's sales price, the list price to dealers was used. Deductions from the list price were made for inland freight in Germany, ocean freight, marine insurance, United States import duty, brokerage, transportation to warehouse, servicing, and selling expenses. Additions to the list price were made for turnover tax included in the home market price, export tax rebate, and drawback.

In computing adjusted home market price, deductions were made from the home market list price to dealers for the basic dealers' discount, selling expenses, servicing, and loading and ship-



ping expenses. Additions to the home market dealers' list price were made to reflect the cost of extras included on the United States model and also for the cost of export packing.

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present and future sales are not nor will be at a dumping price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 62-2902; Filed, Mar. 26, 1962;  
8:49 a.m.]

[AA 643.3-M]

## VAUXHALL AUTOMOBILES FROM UNITED KINGDOM

### Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Vauxhall automobiles from the United Kingdom were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Vauxhall automobiles from the United Kingdom are not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. (a)).

*Statement of reasons.* In view of the exclusive relationship between the importer and the manufacturer, which is a subsidiary of the importer, a fair value comparison was made between exporter's sales price and adjusted home market price.

In calculating exporter's sales price, deductions were made, from the selling price to dealers, for inland freight in England, ocean freight, marine insurance, United States import duty, brokerage, transportation to warehouse, servicing, and selling expenses. An addition was made for drawback.

In determining the adjusted home market price, deductions were made from the home market list price to dealers for the basic dealer discount, selling and consumer influence, and servicing. Additions to this price were made to reflect the cost of extras included on the United States model and also for the cost of export packing.

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present and future sales are not nor will be at a dumping price.

No. 59—4

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(C)).

[SEAL] JAMES A. REED,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 62-2903; Filed, Mar. 26, 1962;  
8:49 a.m.]

## POST OFFICE DEPARTMENT

### ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

#### Delegation of Authority

The amendments to the following orders were issued by the Assistant Postmaster General, Bureau of Facilities, in Order 222, dated March 6, 1962.

#### ORDER 157 AMENDMENT

Order No. 157, dated March 24, 1958, as published in 23 F.R. 2754, and as amended by 27 F.R. 1463, is further amended by revising paragraph B.1 to read as follows:

*B. Leases where annual rental is not in excess of \$1,500.* 1. To make lease extension agreements or supplemental agreements for periods of not in excess of five years.

#### ORDER 173 AMENDMENT

Order No. 173, dated October 15, 1959, as published in 24 F.R. 8750-8751, and as amended by 27 F.R. 1463, is further amended by revising paragraph D.1 to read as follows:

*D. Leases where annual rental is not in excess of \$15,000.00.* 1. To make lease extension agreements or supplemental agreements for periods of not in excess of five years.

#### ORDER 179 AMENDMENT

Order No. 179, dated September 29, 1960, as published in 25 F.R. 9959-9960, and as amended by 27 F.R. 1463, is further amended by revising paragraph D.1 to read as follows:

*D. Leases where annual rental is not in excess of \$15,000.* 1. To make lease extension agreements or supplemental agreements for periods of not in excess of five years.

#### ORDER 201 AMENDMENT

Order No. 201, dated October 11, 1961, as published in 26 F.R. 10002, 10241, and as amended by 27 F.R. 1463, is further amended by revising paragraph E. 2 to read as follows:

*E. Leases.* 1. \* \* \*  
2. To make lease extension agreements or supplemental agreements for terms not exceeding five years and \$20,000 annual rental.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,  
General Counsel.

[F.R. Doc. 62-2926; Filed, Mar. 26, 1962;  
8:51 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bonneville Power Administration

#### REDELEGATIONS OF AUTHORITY

The Redelegations of Authority published in the FEDERAL REGISTER May 3, 1961 (26 F.R. 3823), as amended May 24, 1961 (26 F.R. 4460), August 4, 1961 (26 F.R. 7019), and October 7, 1961 (26 F.R. 9520) is hereby amended as follows:

The statement of authority is amended to read as follows:

*AUTHORITY:* Sections 1 to 16, and 50 are issued under Secretary's Order No. 2563, 15 F.R. 3193; Secretary's Order No. 2860, 27 F.R. 591; 50 Stat. 731, as amended; 16 U.S.C. 832 et seq. Additional authority is cited in parentheses following the sections affected.

Paragraphs c(1) and c(4) of section 1 are amended to read as follows:

1. *Acting Administrator—Succession and authority.*

\* \* \* \* \*  
c(1) The line of succession as Emergency Administrator in a civil defense emergency and regulations pertaining thereto are prescribed in a chapter of the Departmental Manual (205 DM 4). That chapter provides that when a civil defense emergency exists and the normal chain of command is not operative and the Administrator and all of the officials designated pursuant to 302 DM 4.9 are unable to function as Acting Administrator, the following officers or employees shall act as Emergency Administrator in the order indicated, when they have been officially advised or have determined that a civil defense emergency exists:

- (a) Manager, Seattle Area Office
- (b) Manager, Spokane Area Office
- (c) Manager, Portland Area Office
- (d) Manager, Walla Walla Area Office
- (e) District Manager, Eugene, Oregon
- (f) District Manager, Kallispell, Montana
- (g) District Manager, Wenatchee, Washington

\* \* \* \* \*  
(4) Officials exercising emergency authority as Administrator under paragraph c(1) above shall sign documents as "Emergency Administrator, Bonneville Power Administration." Officials exercising emergency authority as Administrator pursuant to paragraph c(2) above shall sign documents as "Emergency Administrator" followed by the appropriate designation of the described installation and the name of the bureau. For example, "Emergency Administrator, Walla Walla Area Office, Bonneville Power Administration."

Paragraph a(3)(a) of section 9 is amended to read as follows:

9. *Power sales, operations, and maintenance activities—*a. *Power management.*

\* \* \* \* \*  
(3) The Chief of Power Operations may:

- (a) Execute agreements with customers for the operation or maintenance of



their equipment installed on premises of the Administration or the customer;

Paragraph b(1) of section 10 is amended to read as follows:

10. *Claims.*

b(1) The Field Operations Officer may, when the amount involved does not exceed \$500, exercise the authority of the Administrator under section 12(a) of the Bonneville Project Act of August 20, 1937, as amended, with respect to determining, settling, compromising, or paying claims of or against the Administration for damage to real or personal property.

Dated: March 16, 1962.

CHARLES F. LUCE,  
Administrator.

[F.R. Doc. 62-2881; Filed, Mar. 26, 1962;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### GREELEY PRODUCERS LIVESTOCK MARKETING ASS'N ET AL.

#### Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Greeley Producers Livestock Marketing Ass'n,  
Greeley, Colorado.  
Sandpoint Livestock Auction Company,  
Sandpoint, Idaho.  
Three Rivers Livestock Auction, Three Rivers,  
Michigan.  
Rushford Livestock Commission, Rushford,  
Minnesota.  
Schuyler Livestock Pavilion, Schuyler, Ne-  
braska.  
Hertford-North Hampton Agricultural Asso-  
ciation, Murfreesboro, North Carolina.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the **FEDERAL REGISTER**.

Done at Washington, D.C., this 22d day of March 1962.

H. L. JONES,  
Chief, Rates and Registrations  
Branch, Packers and Stock-  
yards Division, Agricultural  
Marketing Service.

[F.R. Doc. 62-2893; Filed Mar. 26, 1962;  
8:48 a.m.]

### Agricultural Stabilization and Conservation Service

#### HYBRID CORN AND HYBRID SORGHUM SEED

#### Section 32 Diversion Program

1. *General statement.* (a) In order to encourage the domestic consumption of hybrid corn seed and hybrid grain sorghum seed (hereinafter sometimes referred to collectively as "seed") produced in the continental United States by diverting such seed from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress as amended, offers to make payments under the terms and conditions hereinafter set forth.

(b) Information pertaining to the diversion program and the forms provided for use in this program as prescribed hereunder may be obtained from the following:

Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.  
Cincinnati ASCS Commodity Office, 222 East Central Parkway, Cincinnati 2, Ohio.  
State Agricultural Stabilization and Conservation Committees in the respective States.  
County Agricultural Stabilization and Conservation Committees in the respective counties.

2. *Administration.* The program will be administered under the general direction and supervision of the Director, Grain Division, Agricultural Stabilization and Conservation Service, and in the field will be carried out by the Agricultural Stabilization and Conservation Service through the Cincinnati ASCS Commodity Office, the Agricultural Stabilization and Conservation State Committees and the Agricultural Stabilization and Conservation County Committees (hereinafter referred to, respectively, as "State Committees" or "County Committees"). The County Committees will authorize one or more employees of each ASC County Office to act as representative(s) of the United States Department of Agriculture (hereinafter referred to as "USDA") to receive and review applications for participation. State and County Committees, or their authorized representatives, do not have authority to modify or waive any of the provisions of this program.

3. *Area.* The diversion must take place in the continental United States.

4. *Period of program.* Applications for participation in the program must be received in the ASC County Office no later than April 30, 1962. Diversion of

seed must have begun no earlier than the date of approval of the application and must be completed no later than June 30, 1962. Invoices for final payment must be postmarked no later than July 31, 1962.

5. *Eligible applicant.* Any individual, partnership, association or corporation located in the continental United States may apply for participation in the program, if the applicant: (a) Owns or operates facilities for, or contracts for, the processing of hybrid corn seed or hybrid sorghum seed, (b) grows hybrid corn seed or hybrid sorghum seed on his own or rented lands or contracts with farmers for the production of such seed, and (c) has records to support the data required on the application form.

6. *Application and approval for participation.* Applicants must execute Form ASCS 169 "Application for Participation" and submit it to the ASC County Office for the county within which the applicant's headquarters is located. The application will be forwarded by the ASC County Office to the Cincinnati ASCS Commodity Office for consideration. Applicants will be notified of the approval or nonapproval of their application by the Cincinnati ASCS Commodity Office which will return an executed copy of the application showing the quantity of seed, if any, approved for diversion. Approved applications may be amended to correct or change information shown thereon by agreement between the applicant and the Cincinnati ASCS Commodity Office, and the quantity of seed approved for diversion may be amended accordingly. An approved applicant is hereinafter referred to as the "diverter."

7. *Seed eligible for diversion.* Only hybrid grain sorghum seed which meets the minimum standards for pure seed and germination for certified seed in the State where it was grown and only flat grades of hybrid corn seed will be eligible for diversion under this program. Such seed must have been completely processed prior to diversion, except that it need not be sized, treated with fungicides or insecticides, or bagged, and must have been produced in the continental United States either (a) by the applicant on land owned or rented by the applicant or (b) for the applicant under contract between the applicant and farmers. For the purposes of this program, flat grades of corn seed shall be corn seed which passes through a  $1\frac{1}{4}$  inch by  $\frac{3}{4}$  inch slot screen and remains on a  $1\frac{1}{4}$  inch round-hole screen.

8. *Quantities of seed eligible for diversion.* Only quantities of eligible seed shall be shown on the Application for Participation as the basis for computation of quantities which may be diverted pursuant to this program. The maximum quantity of eligible hybrid corn seed each diverter may divert shall be the lower of (a) the average annual quantity of such seed sold by him for domestic planting purposes in 1959 and 1960 minus the quantity of such seed sold for domestic planting purposes in 1961, or (b) the sum of the quantities obtained by multiplying the average



annual quantity of hybrid corn seed sold by him in 1959 and 1960 in each State by the percentage of reduction in corn acreage in such State as shown in the table below. The maximum quantity of eligible hybrid grain sorghum seed each diverter may divert shall be the lower of (a) the quantity of such seed sold by him for domestic planting purposes in 1960 minus the quantity of such seed sold for domestic planting purposes in 1961, or (b) the sum of the quantities obtained by multiplying the quantity of hybrid sorghum seed sold by him in 1960 in each State by the percentage of reduction in grain sorghum acreage in such State as shown in the table below.

| State               | Percentage acres diverted |         |
|---------------------|---------------------------|---------|
|                     | Corn                      | Sorghum |
| Maine.....          | 2.7                       | -----   |
| New Hampshire.....  | -----                     | -----   |
| Vermont.....        | 1.5                       | -----   |
| Massachusetts.....  | .6                        | -----   |
| Rhode Island.....   | -----                     | -----   |
| Connecticut.....    | 2.4                       | -----   |
| New York.....       | 26.0                      | -----   |
| New Jersey.....     | 19.9                      | -----   |
| Pennsylvania.....   | 12.3                      | 7.0     |
| Ohio.....           | 24.2                      | 16.6    |
| Indiana.....        | 24.1                      | 28.3    |
| Illinois.....       | 19.4                      | 31.4    |
| Michigan.....       | 23.0                      | -----   |
| Wisconsin.....      | 18.4                      | -----   |
| Minnesota.....      | 21.3                      | 18.1    |
| Iowa.....           | 21.0                      | 36.8    |
| Missouri.....       | 35.9                      | 35.0    |
| North Dakota.....   | 29.2                      | 40.0    |
| South Dakota.....   | 18.2                      | 25.1    |
| Nebraska.....       | 22.1                      | 38.7    |
| Kansas.....         | 31.3                      | 31.2    |
| Delaware.....       | 23.5                      | -----   |
| Maryland.....       | 14.8                      | -----   |
| Virginia.....       | 15.4                      | 9.7     |
| West Virginia.....  | 6.0                       | -----   |
| North Carolina..... | 24.0                      | 21.8    |
| South Carolina..... | 20.2                      | 9.7     |
| Georgia.....        | 10.5                      | 12.4    |
| Florida.....        | 18.3                      | 21.7    |
| Kentucky.....       | 30.1                      | 23.8    |
| Tennessee.....      | 26.0                      | 26.6    |
| Alabama.....        | 20.1                      | 18.4    |
| Mississippi.....    | 15.9                      | 19.1    |
| Arkansas.....       | 19.0                      | 11.8    |
| Louisiana.....      | 13.1                      | 17.2    |
| Oklahoma.....       | 21.5                      | 30.1    |
| Texas.....          | 21.1                      | 27.2    |
| Montana.....        | 36.1                      | -----   |
| Idaho.....          | 8.3                       | -----   |
| Wyoming.....        | 18.9                      | 13.5    |
| Colorado.....       | 22.1                      | 30.8    |
| New Mexico.....     | 11.7                      | 26.8    |
| Arizona.....        | 5.0                       | 28.6    |
| Utah.....           | 14.2                      | 25.0    |
| Nevada.....         | 17.8                      | -----   |
| Washington.....     | 19.3                      | 23.2    |
| Oregon.....         | 23.4                      | 20.0    |
| California.....     | 23.2                      | 24.9    |

9. *Diversion.* For the purposes of this program, diversion means (a) crushing, grinding, cracking, or similar initial processing, (b) commingling with non-seed commercial stocks of corn, sorghum, or other grains, or (c) handling in such other manner as is approved by the Administrator or his designee. Any such initial processing, commingling, or handling shall be such as will assure that the hybrid corn seed or hybrid grain sorghum seed will lose its identity as seed and will be used for other than planting purposes. The diverter is responsible for making arrangement with the County Committee of the county in which the seed is to be diverted for the presence of a representative at the time of diversion. The County Committee representative must be given an opportunity to identify the seed prior to diversion, must witness the diversion, and must be furnished

with acceptable evidence of the quantity diverted.

10. *Payment.* Payment shall be made at the rate of \$1.50 for each bushel of hybrid corn seed approved for diversion and diverted, and at the rate of \$1.20 for each bushel of hybrid grain sorghum seed approved for diversion and diverted; *Provided, however,* That, regardless of the quantity of seed the diverter is eligible to divert or the quantity of seed actually diverted, no payment shall be made for the diversion of hybrid corn seed or hybrid grain sorghum seed, or both, which will result in a total payment of more than \$20,000 to any individual, partnership, association or corporation. For the purposes of the foregoing proviso, a parent company (whether individual, partnership, association or corporation) and its subsidiaries or affiliates shall be treated as a single entity. A parent company is one which either owns or controls the activities on basic business policies of another company. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; a company which is able to formulate, determine or veto basic business policy decisions of another company is considered the parent company of such other company. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise. Payment will be made upon submission of invoices as provided in section 11 of this program.

11. *Claims for payment.*—(a) *Invoice for advance payment.* The diverter may submit to the County Committee to which application was made an invoice for advance payment of 75 percent of the amount of diversion payment, computed on the basis of the quantity of seed covered by his approved application, or for advance payment of \$15,000, whichever is less. No advance payment will be made unless the invoice for such payment is accompanied by an indemnity bond as provided in section 12 of this program.

(b) *Invoice for final payment.* Within 30 days following diversion of the seed, but not later than July 31, 1962, the diverter shall submit an invoice for final payment to the County Committee to which application was made. This invoice shall show (1) the quantity of seed diverted and the amount of diversion payment earned at the applicable rates of payment, and (2) the amount of any advance payment received. If the amount earned is less than the amount received as an advance payment, the diverter shall submit with this invoice a check or money order made payable to USDA, Agricultural Stabilization and Conservation Service, for the amount of overpayment.

12. *Indemnity bond.* Each diverter applying for an advance payment shall submit with his invoice for advance payment an indemnity bond in an amount equal to the advance payment requested. The indemnity bond shall be executed

on Form ASCS 170 "Indemnity Bond" by the principal and two individual sureties or one recognized bonding company. The individual sureties or the bonding company shall agree to indemnify USDA in the amount of any payment made by USDA with respect to any quantity of seed not diverted. USDA may disapprove any bond if for any reason any surety does not, in the opinion of USDA, afford USDA full protection and security.

13. *Certificate of diversion.* The invoice for final payment shall be supported by Form ASCS 171 "Certificate of Diversion," signed by an authorized representative of the County Committee for the county in which the diversion was accomplished. Certificates of Diversion may be obtained from the ASC County Office.

14. *Compliance with program.* If USDA determines that any quantity of seed with respect to which payment is claimed under this program was used for planting purposes, whether by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such seed, shall refund to USDA any payment made in connection with such seed, and shall be liable to USDA for any other damages incurred as a result of such failure to use the seed for other than planting purposes. Persons making any misrepresentation of fact in connection with this program for the purpose of defrauding USDA will be subject to the applicable civil and criminal provisions of the United States Code.

15. *Inspection of premises.* The diverter shall permit authorized representatives of USDA at any reasonable time to have access to his premises to inspect and examine such seed as is being diverted or stored for diversion and to inspect and examine the diverter's facilities for processing seed in order to determine to what extent there is or has been compliance with provisions of this program.

16. *Records and accounts.* The diverter shall keep accurate records and accounts with respect to any seed diverted under this program. The diverter shall permit authorized representatives of USDA at any reasonable time to inspect, examine, and make copies of such records and accounts, and of any other records and accounts upon which his application or claim is based, in order to determine the accuracy of the data submitted on the application and to determine to what extent there is or has been compliance with the provisions of this program. All such records and accounts shall be retained by the diverter for three years after the date of the final payment to him under this program.

17. *Set-off.* If the diverter is indebted to USDA or to any other agency of the United States, set-off may be made against any amount due to diverter hereunder. Such set-off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

18. *Joint payment or assignment.* The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the



Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U.S.C. 203, 41 U.S.C. 15), the proceeds of any claim, to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the authorized representative of USDA who approved the application, together with a true copy of the instrument of assignment, in accordance with the instructions on Form CSS 66 "Notice of Assignment," which form must be used in giving notice of assignment to USDA. The "Instrument of Assignment" may be executed on Form CSS 347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the ASC State Office or the Washington office shown in section 1.

19. *Officials not to benefit.* No member of or delegate to Congress, or Resident Commissioner, shall be entitled to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be considered to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

20. *Amendment and termination.* This program may be amended or terminated at any time but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any seed diverted before the effective time of such amendment or termination.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: March 22, 1962.

E. A. JAENKE,  
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 62-2911; Filed, Mar. 26, 1962; 8:50 a.m.]

### Commodity Credit Corporation DIRECTORS OF AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE COMMODITY OFFICES, ET AL.

#### Designation of Agents To Receive Service of Process

The Directors and Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices and the State Executive Directors and Acting State Executive Directors of the State Agricultural Stabilization and Conservation Service Offices, are hereby designated as agents to receive service of process in any action to which Commodity Credit Corporation shall be a party, brought in the respective states in which the offices of such agents are located.

The name and address of the individual occupying any such position at the time suit is instituted may be obtained from the local County Agricultural Stabilization and Conservation Service Office or from Commodity Credit Corporation, Washington 25, D.C.

This supersedes the designation of agents to receive service of process issued by the Vice President, Commodity Credit Corporation, and dated September 29, 1954, 19 F.R. 6457.

E. A. JAENKE,  
*Acting Executive Vice President,  
Commodity Credit Corporation.*

MARCH 22, 1962.

[F.R. Doc. 62-2912; Filed, Mar. 26, 1962; 8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### MAYONNAISE, FRENCH DRESSING, AND SALAD DRESSING DEVIATING FROM IDENTITY STANDARDS

#### Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 3.12(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Kraft Foods Division of National Dairy Products Corporation, Chicago, Illinois, to cover interstate marketing tests of mayonnaise, french dressing, and salad dressing each containing calcium disodium ethylenediaminetetraacetate added as a chemical preservative. Each of the foods covered by this permit differs from one meeting the requirements of the respective identity standard (§ 25.1, 25.2, or 25.3 of Title 21), in that it contains the specified preservative. These articles are to bear the label statement "Calcium disodium ethylenediaminetetraacetate added as a preservative". This permit expires February 1, 1963.

Dated: March 20, 1962.

GEO. P. LARRICK,  
*Commissioner of Food and Drugs.*

[F.R. Doc. 62-2889; Filed, Mar. 26, 1962; 8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 13480; Order No. E-18133]

### ALASKA AIRLINES, INC.

#### Reduced Passenger and Cargo Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of March 1962.

Alaska Airlines, Inc. has filed a tariff, marked to become effective March 24, 1962, proposing passenger and cargo charter rates for L-1649A-F aircraft of \$2.50 per live mile and \$2.00 per ferry mile, except between points in the 50 states and Canada the proposed cargo live rates are \$2.40 per mile.

The proposed rates appear to be below the general pattern of rates established for L-1649A, L-1049H, and DC-7 type aircraft and significant question is raised as to their lawfulness. The carrier has submitted no justification for its proposal.

Upon consideration of this tariff and all relevant matters, the Board finds that the tariff proposal may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of rates, and in accordance with the action of the Board in similar cases,<sup>1</sup> the Board has concluded to suspend the operation of such L-1649A-F tariff proposal and the use thereof pending investigation, insofar as it involves interstate and overseas air transportation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

*It is ordered, That:*

1. An investigation be instituted to determine whether the charges and provisions for the charter of L-1649A-F aircraft on 29th Revised Page 5 of Alaska Airlines, Inc. C.A.B. No. 23, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful charges and provisions.

2. Pending investigation, hearing and decision by the Board, the charter, ferry, layover, and minimum charges and provisions for L-1649A-F aircraft, so far as applicable to interstate and overseas air transportation, appearing on 29th Revised Page 5 of Alaska Airlines, Inc. C.A.B. No. 23, are suspended and their use deferred to and including June 21, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. This order be filed with the aforesaid tariff and copies be served upon Alaska Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
*Secretary.*

[F.R. Doc. 62-2905; Filed, Mar. 26, 1962; 8:49 a.m.]

<sup>1</sup> Overseas National Airways, Order E-16462 dated March 2, 1961; Flying Tiger, Order E-17789, December 1, 1961, and Order E-18037, February 19, 1962; Trans International, Order E-18060, March 1, 1962.



[Docket 13487; Order No. E-18138]

**SLICK AIRWAYS, INC., AND FLYING TIGER LINE INC.****Proposed and Effective Charter Rates; Order of Investigation and Suspension**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of March 1962.

Slick Airways, Inc., has filed a tariff marked to become effective March 25, 1962, proposing cargo one-way directional trip charter rates from Hilo and Honolulu, on the one hand, to Los Angeles and San Francisco, on the other, of \$3,200 for L-1049H aircraft and \$4,800 for CL-44D aircraft. The Flying Tiger Line Inc. has in effect since December 3, 1961, a tariff producing the same respective rates for these aircraft applicable to Los Angeles only.

The proposed rates are approximately \$1.25 per mile to Los Angeles and \$1.35 per mile to San Francisco for L-1049H aircraft and \$1.90 to Los Angeles and \$2.00 to San Francisco for CL-44D aircraft. Slick's current general charter tariff for United States-Hawaii all-cargo charters specifies a rate of \$3.50 per live mile and \$3.25 per ferry mile for L-1049H aircraft; no rate is filed for CL-44D charters. Flying Tiger's current general charter tariff for continental United States-Hawaii cargo charters provides for a rate of \$2.75 per live mile and \$2.00 per ferry mile for L-1049H aircraft and \$4.25 per live mile and \$3.50 per ferry mile for CL-44D aircraft.

Slick's proposed rates to Los Angeles and San Francisco and Flying Tiger's comparable effective rates to Los Angeles on a per mile basis are well below these carriers' L-1049H general charter cargo rates of \$3.50 and \$2.75 per mile, respectively, for the same equipment between Hawaii and the continental United States. Slick does not have CL-44D general charter rates that can be compared but Flying Tiger's CL-44D current trip cargo charter rates on a per mile basis are also well below its CL-44D general cargo charter rates of \$4.25 per mile between Hawaii and continental United States. These trip charter rates result in per mile rates that are less than 50 percent of such general cargo charter rates between continental United States and Hawaii. Also, the proposed and effective rates on a per mile basis are below the carriers' reported L-1049H direct aircraft operating expenses, there being no extensive CL-44D experience at present. They do not appear to be justified on an economic basis. Slick has submitted no data in support of its very low trip charter rates.

Upon consideration of Slick's proposed tariff and Flying Tiger's effective cargo trip charter tariff for partly comparable service, and all relevant matters, the Board finds the level of the rates involved may be uneconomically low. Accordingly, the Board finds that the trip cargo charter rates of Slick and Flying Tiger may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the

marked departure of Slick's proposed trip cargo charter rates from Hilo and Honolulu to San Francisco from the prevailing level of general cargo charter rates between Hawaii and the continental United States for comparable aircraft, the Board has concluded to suspend that part of Slick's proposed tariff that proposes cargo trip charter rates from Hilo/Honolulu to San Francisco of \$3,200 on L-1049H aircraft and \$4,800 on CL-44D aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

**It is ordered, That:**

1. An investigation be instituted to determine whether the charges and provisions on 1st Revised Page 4-B of The Flying Tiger Line, Inc., C.A.B. No. 32, and the rates and provisions on Original Page 5 of Slick Airways, Inc., C.A.B. No. 21, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful rates, charges, and provisions.

2. Pending investigation, hearing and decision by the Board, the rates per trip for the charter of L-1049H and CL-44D equipment from Hilo, Hawaii, or Honolulu, Hawaii to San Francisco, California, on Original Page 5 of Slick Airways, Inc., C.A.B. No. 21, are suspended and their use deferred to and including June 22, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order be filed with Slick Airways, Inc., C.A.B. No. 21, and copies be served upon The Flying Tiger Line, Inc., and Slick Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 62-2906; Filed, Mar. 26, 1962;  
8:49 a.m.]

[Docket 11879, Agreement C.A.B. 16318;  
Order No. E-18136]

**INTERNATIONAL AIR TRANSPORT ASSOCIATION****Agreement Relating to Specific Commodity Rates**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of March 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International

Air Transport Association (IATA). The agreement was adopted by mail vote and has been assigned the above-designated C.A.B. Agreement number.

The agreement amends the specific commodity descriptions for Item 2419 to read, "Shoes and Slippers, i.e., finished; Shoe and Slipper Soles, Heels and Upper Leather; N.E.S., excluding any other parts thereof" and, in addition, names the specific commodity rates set forth below:

Item 0495 Strawberries. Rate 66 cents per kilogram, minimum weight 1,000 kilograms, from New York to London.

Item 3005 Gold Bullion, vis: Refined or Unrefined Gold in Ingot Form, Dore Bullion, Gold Specie and Semi-Manufactured Products of Gold. Rates 338 cents per kilogram, minimum weight 100 kilograms, New York to London; 367 cents per kilogram, minimum weight 100 kilograms, New York to Amsterdam/Paris; 397 cents per kilogram, minimum weight 100 kilograms, New York to Basle/Berne/Geneva/Zurich.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement, which is incorporated in Resolution JT12 (Mail 264) 590k, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

**Accordingly: It is ordered:**

1. That Agreement C.A.B. 16318 is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 62-2907; Filed, Mar. 26, 1962;  
8:49 a.m.]

**FEDERAL AVIATION AGENCY**

[OE Docket No. 61-CE-66]

**PROPOSED RADIO ANTENNA STRUCTURE****Notice of Hearing**

The State of Minnesota, Department of Aeronautics, has petitioned the Administrator for a hearing with respect to the determination issued by the Agency's Obstruction Evaluation Branch under this docket number on December 27, 1961 (27 F.R. 268), that an antenna structure proposed by the Tri-County Broadcasting Company, Sauk Rapids, Minnesota, near Sauk Rapids, would not be a hazard to air navigation.



The Administrator has determined that the petition has an adequate foundation and has granted the requested hearing in order to determine the effect of the proposed construction on the safety of aircraft and efficient utilization of the navigable airspace.

Notice is hereby given that a prehearing conference will be held at 10:00 a.m., April 18, 1962, and a public hearing will be held at 10:00 a.m., April 19, 1962, in the Hiawatha Room, Parkway Motor Court, 4757 Hiawatha Avenue, Minneapolis, Minnesota.

The following are designated as parties to the hearing:

State of Minnesota, Department of Aeronautics.  
National Association of State Aviation Officials.  
Air Line Pilots Association.  
Tri-County Broadcasting Company.  
The City of St. Cloud, Minnesota (Owner and Operator of Whitney Memorial Airport).

Designation as a party does not require participation in the hearing. Any person not designated who believes his activities would be substantially affected by the proposed construction may request the Presiding Officer for designation as a party to the hearing.

Issued: March 19, 1962.

CLIFFORD P. BURTON,  
Presiding Officer.

[F.R. Doc. 62-2877; Filed, Mar. 26, 1962;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14578]

JAMES R. COTTON

### Order To Show Cause

In the matter of James R. Cotton, Whittier, California, Docket No. 14578; order to show cause why there should not be revoked the license for radio station 11Q0712 in the citizens radio service.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on January 29, 1962, alleging that on December 23, 1961, Citizens radio station 11Q0712 was operated in violation of § 19.61 (a), (c), and (f) of the Commission's rules, in that the transmissions contained communications which were not purposeful of substantive to the licensee's business or personal needs; and the length of the communications exceeded practical transmission time; and

It further appearing that the above-named licensee did not reply to the Official Notice of Violation, whereupon the Commission, by letter dated March

7, 1962, and sent by Certified Mail—return receipt requested (Certified No. 97282) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within ten days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of radio station license; and

It further appearing that, although more than ten days have elapsed since the above-described letter was sent to the licensee, no response has been made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

*It is ordered*, This 20th day of March 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Acting Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last address of record, 13813 Crewe Street, Whittier, California.

Released: March 21, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-2913; Filed, Mar. 26, 1962;  
8:50 a.m.]

[Docket No. 14407 etc.; FCC 62M-419]

## GRAND BROADCASTING CO. ET AL.

### Order Continuing Hearing

In re applications of Grand Broadcasting Company, Grand Rapids, Michigan, Docket No. 14407, File No. BPCT-2928; Atlas Broadcasting Company, Grand Rapids, Michigan, Docket No. 14408, File No. BPCT-2950; West Michigan Telecasters, Inc., Grand Rapids, Michigan, Docket No. 14469, File No. BPCT-2956; MKO Broadcasting Corporation, Grand Rapids, Michigan, Docket No. 14470, File No. BPCT-2959; Major Television Company, Grand Rapids, Michigan, Docket No. 14471, File No. BPCT-2960; Peninsular Broadcasting Company, Grand Rapids, Michigan, Docket No. 14472, File No. BPCT-2962; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the petition for extension of procedural dates filed on March 9, 1962 by Atlas Broadcasting Company;

It appearing that all parties except Grand Broadcasting Company have con-

sented to grant of the said petition and the time for filing oppositions has expired with no opposition having been filed by Grand Broadcasting Company;

It further appearing that good cause for a grant of the said petition is shown;

*It is ordered*, This 20th day of March 1962 that the said petition is granted; the date for exchange of exhibits is extended from April 2, 1962, to April 16, 1962, and the date for an informal conference on said exhibits is extended from April 16, 1962, to April 30, 1962;

*It is further ordered*, That the date for commencement of formal hearing presently scheduled for May 7, 1962, is continued to May 21, 1962, commencing at 10:00 a.m. in the Commission's offices at Washington, D.C.

Released: March 21, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-2914; Filed, Mar. 26, 1962;  
8:50 a.m.]

[Docket No. 8716 etc.; FCC 62M-425]

## GREENWICH BROADCASTING CORP. ET AL.

### Order Scheduling Hearing

In re applications of Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP-6315; WPD, Incorporated, Danbury, Connecticut, Docket No. 14569, File No. BP-13035; Robert R. Pauley, Peter Taylor and Fred Schottland, d/b as New Canaan Broadcasting Company, New Canaan, Connecticut, Docket No. 14570, File No. BP-13293; Northcastle Radio, Inc., North White Plains, New York, Docket No. 14571, File No. BP-13940; Richard Hodgson and John F. Dickinson, d/b as Fairfield Broadcast Service, New Canaan, Connecticut, Docket No. 14572, File No. BP-14100; Rhode Island-Connecticut Radio Corporation, Madison, Connecticut, Docket No. 14573, File No. BP-14103; Blair A. Walliser, tr/as Milford Broadcasting Co., Milford, Connecticut, Docket No. 14574, File No. BP-14106; The Berkshire Broadcasting Corporation, Stratford, Connecticut, Docket No. 14575, File No. BP-14354; James Stolz, Shelton, Connecticut, Docket No. 14576, File No. BP-14355; for construction permits.

*It is ordered*, This 21st day of March 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 6, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, April 23, 1962.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-2915; Filed, Mar. 26, 1962;  
8:50 a.m.]



[Docket Nos. 14269, 14270; FCC 62M-422]

**HERSHEY BROADCASTING CO., INC.,  
AND READING RADIO, INC.****Order Continuing Hearing**

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322; for construction permits.

The Hearing Examiner having under consideration a "Petition for Change of Hearing Date" filed March 16, 1962 in the above-entitled matter, and

It appearing that counsel for the other parties have agreed to a grant of the petition and that good cause therefor has been shown:

*It is ordered*, This 20th day of March 1962, that the aforesaid petition is granted and that the hearing now scheduled for March 26, 1962, is changed to April 9, 1962, at 10:00 a.m., in the Commission's offices in Washington, D.C.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
*Acting Secretary.*[F.R. Doc. 62-2916; Filed, Mar. 26, 1962;  
8:50 a.m.]

[Docket No. 13313 etc.; FCC 62M-414]

**IOWA CITY BROADCASTERS, INC.,  
ET AL.****Order Continuing Hearing**

In re applications of Iowa City Broadcasters, Inc., Iowa City, Iowa, Docket No. 13313, File No. BP-13877; WKAI Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 14508, File No. BP-13902; Iowa Falls Broadcasting Corporation, Iowa Falls, Iowa, Docket No. 14509, File No. BP-14618; for construction permits.

A prehearing conference in the above-entitled matter having been held on March 19, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which properly should be formalized by order:

*It is ordered*, This 19th day of March 1962, that:

(1) The direct affirmative cases of the parties shall be presented entirely in the form of sworn written exhibits;

(2) Copies of all such proposed exhibits shall be exchanged among the parties on April 10, 1962, but that such proposed exhibits may be amended or reformed at any time prior to April 24, 1962;

(3) Copies of all such proposed exhibits shall be exchanged in final form on April 24, 1962;

(4) Any party wishing to call for cross-examination any witness responsible for the preparation of any exhibit exchanged by any other party, shall give notification thereof on or before May 1, 1962;

*It is further ordered*, That the hearing herein heretofore scheduled to commence

on April 17, 1962, is continued to May 8, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: March 21, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
*Acting Secretary.*[F.R. Doc. 62-2917; Filed, Mar. 26, 1962;  
8:50 a.m.]

[Docket Nos. 14473, 14474; FCC 62M-426]

**PENINSULA TELEVISION RELAY CORP.  
AND EASTERN SHORE MICROWAVE  
RELAY CO.****Order Scheduling Prehearing  
Conference**

In re applications of Peninsula Television Relay Corporation, Salisbury, Maryland, Docket No. 14473, File Nos. 2604/2605-C1-P-60; Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permits for common carrier point-to-point microwave relay stations.

*It is ordered*, This 20th day of March 1962, on the Hearing Examiner's own motion, that a further prehearing conference in this proceeding will be held at 10:00 a.m., April 3, 1962.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
*Acting Secretary.*[F.R. Doc. 62-2918; Filed, Mar. 26, 1962;  
8:50 a.m.]

[Docket No. 14504; FCC 62M-420]

**PIONEER STATES BROADCASTERS,  
INC.****Order Continuing Hearing**

In re application of Pioneer States Broadcasters, Inc., West Hartford, Connecticut, Docket No. 14504, File No. BP-14060; for construction permit.

Pursuant to the agreements reached at the prehearing conference held on March 19, 1962, the evidentiary hearing in the above-entitled proceeding now scheduled for April 17, 1962, is continued to May 15, 1962.

*It is so ordered*, This the 19th day of March 1962.

Released: March 21, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
*Acting Secretary.*[F.R. Doc. 62-2919; Filed, Mar. 26, 1962;  
8:50 a.m.]

[Docket No. 12949; FCC 62M-421]

**SOUTH MINNEAPOLIS  
BROADCASTERS****Order Continuing Hearing**

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis

Broadcasters, Bloomington, Minnesota, Docket No. 12949, File No. BP-14046; for construction permit.

A prehearing conference in the above-entitled matter having been held on March 20, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which properly should be formalized by order:

*It is ordered*, This 20th day of March 1962, that:

(1) All written exhibits to be offered in evidence in the presentation of the direct affirmative case of the applicant shall be under oath and copies thereof supplied the other parties hereto on April 16, 1962, but all such proposed exhibits may be amended or reformed at any time prior to May 7, 1962;

(2) Copies of all such proposed exhibits in final form shall be supplied the other parties hereto by the applicant on May 7, 1962;

(3) In the event any party other than the applicant shall wish to offer exhibit evidence in rebuttal to the matters contained in the applicant's exhibits, such exhibits shall be under oath and copies thereof supplied the other parties to this proceeding on May 21, 1962;

(4) Any exhibits actually offered in evidence by any party shall be offered through witnesses present at the hearing qualified to establish the competence of the exhibits;

*It is further ordered*, That the hearing herein heretofore scheduled to commence on April 19, 1962, is continued to May 31, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
*Acting Secretary.*[F.R. Doc. 62-2920; Filed, Mar. 26, 1962;  
8:51 a.m.]

[Docket No. 14577; FCC 62M-427]

**TRIANGLE PUBLICATIONS, INC.  
(WNHC-TV)****Order Scheduling Hearing**

In re application of Triangle Publications, Inc. (WNHC-TV) (Radio and Television Division), New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897; for construction permit.

*It is ordered*, This 21st day of March 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 21, 1962, in Washington, D.C.: *And, It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, April 23, 1962.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
*Acting Secretary.*[F.R. Doc. 62-2921; Filed, Mar. 26, 1962;  
8:51 a.m.]



[Docket No. 14367 etc.; FCC 62-306]

**VETERANS BROADCASTING CO., INC.,  
ET AL.****Memorandum Opinion and Order  
Amending Issues**

In re applications of Veterans Broadcasting Company, Inc., Syracuse, New York, et al., Docket No. 14367, File No. BPCT-2912; et al.; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration a petition to enlarge issues, filed January 8, 1962, by WAGE, Inc., and pleadings properly filed in response thereto.<sup>1</sup>

2. WAGE seeks to have the issues enlarged to include a determination of the location of the A and B contours of the applicants; a comparison of the areas and populations within such contours which might be expected to receive actual service; and, in the event it is established that any applicant would serve areas and populations not served by its competitors, a determination of the number of services presently available to such areas and populations.

3. The petitioner does not submit maps showing the differences in coverage; instead, it relies upon the showing made by each of the applicants. Since the petitioner alleges that it replotted the contours shown in a number of the applications, these maps should have been submitted to facilitate Commission consideration of its request. However, in view of the differences in coverage, as shown by the engineering information submitted with each of the applications, the requested issues will be added. Whether these differences are of decisional significance, and the weight which can be accorded to them, will be determined after the evidentiary hearing.

4. It should be noted that the contended differences in coverage stem large from that fact that WAGE's engineering proposal is based on the use of the Commission's equivalence charts and differs from the maximum power and antenna height appearing in our Report and Order allocating Channel 9 to Syracuse. Its proposal has been approved by the Canadian government. In view of the foregoing, our action here in enlarging the issues is without prejudice to any of the other applicants filing amendments to their applications specifying engineering proposals based on our equivalence charts, subject to the limitation that these proposals, if any are tendered, must be approved by the

<sup>1</sup> Because the original designation order contemplated that other applications would be consolidated in the hearing, and in view of the fact that the petition requests an issue involving a comparison of all applicants, it is concluded that petitioner had good cause for delaying the filing of its petition until the second group of applicants was consolidated.

Canadian government as was the case of the WAGE proposal.

Accordingly, it is ordered, That the petition to enlarge issues filed by WAGE, Inc. on January 8, 1962, is granted; that the existing Issue No. 10 is renumbered Issue No. 11; and the issues in this proceeding are enlarged as follows:

10(a) To determine the location of the proposed Grade A and B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations within the respective Grade A and B contours which may reasonably be expected to receive actual service from the applicants' proposed stations.

(c) In the event the proof under (a) and (b) shall establish that any or all of the applicants will bring actual service to areas and populations not served by its competitors, to determine the number of services, if any, presently available to such areas and populations.

Adopted: March 21, 1962.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-2922; Filed, Mar. 26, 1962;  
8:51 a.m.]

[Docket Nos. 13796, 13803; FCC 62M-415]

**WESTERN BROADCASTING CO. AND  
R. L. McALISTER****Order Continuing Hearing**

In re applications of David P. Pinkston and Leroy Elmore, d/b as Western Broadcasting Company, Odessa, Texas, Docket No. 13796, File No. BP-12329; R. L. McAlister, Odessa, Texas, Docket No. 13803, File No. BP-13058; for construction permits.

On the Hearing Examiner's own motion, pursuant to informal suggestion of Commission counsel: It is ordered, This 20th day of March 1962, that the hearing following remand in this matter heretofore postponed to May 1, 1962, is hereby rescheduled for May 2, 1962, at 10:00 a.m., in the offices of the Commission, at Washington, D.C., in order to facilitate travel arrangements of witnesses.

Released: March 21, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-2923; Filed, Mar. 26, 1962;  
8:51 a.m.]

[Docket No. 13748; FCC 62M-410]

**WILLAMETTE-LAND TELEVISION, INC.****Order Continuing Hearing Conference**

In re application of Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for con-

struction permit for new television broadcast station (Channel 3).

Upon joint oral request of the parties in the above-entitled matter: It is ordered, This 19th day of March 1962, that the prehearing conference now scheduled for March 21, 1962, be and it hereby is rescheduled to commence at 9:30 a.m., March 28, 1962, in the Commission's offices in Washington, D.C.

Released: March 20, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-2924; Filed, Mar. 26, 1962;  
8:51 a.m.]

**SMALL BUSINESS ADMINISTRATION**

[Declaration of Disaster Area 372]

**WEST VIRGINIA****Declaration of Disaster Area**

Whereas, it has been reported that during the month of March 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Wayne County in the State of West Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about March 1, 1962:

Offices—

Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Va.

Small Business Administration Branch Office, United States Courthouse & Federal Building, Room 3000, 500 Quarrier Street, Charleston, W. Va.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 9, 1962.

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 62-2885; Filed, Mar. 26, 1962;  
8:46 a.m.]



## FEDERAL POWER COMMISSION

[Docket No. G-18442 etc.]

## SENECA GAS COMPANY OF WEST VIRGINIA, INC., ET AL.

## Notice of Application, Consolidation and Date of Hearing

MARCH 21, 1962.

Seneca Gas Company of West Virginia, Inc., Docket No. G-18442; Atlantic Seaboard Corporation, Docket No. CP62-67; Seneca Gas Company of West Virginia, Inc., Complainant, Docket No. CP62-115; vs. Navgas, Inc., Defendant, Docket No. CP61-251.

Notice of the application of Seneca Gas Company of West Virginia, Inc. (Seneca) in Docket No. G-18442 was issued by the Secretary of the Commission on December 2, 1959, and published in the FEDERAL REGISTER on December 8, 1959 (24 F.R. 9918) setting said matter for hearing on January 11, 1960. On January 7, 1960, said hearing was continued, subject to further notice by the Secretary.

Notice of the application of Atlantic Seaboard Corporation (Seaboard) in Docket No. CP62-67 and of the complaint of Seneca Gas Company of West Virginia, Inc. Complainant, vs. Navgas, Inc., Defendant in Docket No. CP62-115 was issued February 2, 1962 and published in the FEDERAL REGISTER on February 9, 1962 (27 F.R. 1232), setting said matters for hearing on a consolidated record on April 9, 1962.

Take further notice that Navgas, Inc., a West Virginia Corporation, having its principal place of business at 809 Kanawha Valley Building, Charleston, West Virginia, filed on March 22, 1961, an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Atlantic Seaboard Corporation to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Navgas, Inc., and to sell and deliver to Navgas, Inc., its natural gas requirements.

On March 16, 1962, Navgas, Inc., filed an amendment to its application, and in lieu of the request for relief under section 7(a) requests a finding and order that no certificate is required or in the alternative an order issuing a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of approximately 24.2 miles of 6½-inch pipeline, and appurtenant facilities from a point of connection with the facilities of Atlantic Seaboard Corporation in Hardy County, West Virginia, southerly to the Navy Radio Research Station near Sugar Grove, West Virginia, for the purpose of delivering and selling natural gas to said station.

No. 59—5

Applicant estimates the total peak day and annual sales as follows:

| 12-month period    | Peak day demand (Mcf) | Annual requirements (Mcf) |
|--------------------|-----------------------|---------------------------|
| June 30, 1963..... | 1,400                 | 199,000                   |
| June 30, 1964..... | 1,700                 | 440,000                   |
| June 30, 1965..... | 2,000                 | 549,000                   |

Total estimated cost of Applicant's facilities is \$632,100, to be financed by short-term borrowing, which, in turn, will be liquidated from the proceeds of the Department of the Navy's connection charge.

The application in this Docket No. CP61-251 is on file with the Commission and open for public inspection.

This application should be heard on a consolidated record with the proceedings in Seneca Gas Company of West Virginia, Inc., et al., Docket Nos. G-18442 et al., and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 9, 1962, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G-18442, CP61-251, and CP62-67 and also by the complaint and answer in Docket No. CP62-115.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 4, 1962.

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 62-2878; Filed, Mar. 26, 1962;  
8:46 a.m.]

[Docket Nos. RI62-357—RI62-371]

## TIDEWATER OIL CO. ET AL.

Order Providing for Hearings and Suspension of Proposed Changes in Rates and Allowing Proposed Increased Rates To Become Effective Subject to Refund<sup>1</sup>

MARCH 20, 1962.

Tidewater Oil Company, Docket No. RI62-357; The Textstar Corporation, et

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

al., Docket No. RI62-358; General Crude Oil Company (Operator), et al., Docket No. RI62-359; Austral Oil Company, Incorporated (Operator), Agent for Oil Participations, Incorporated, Docket No. RI62-360; Sohio Petroleum Company, Docket No. RI62-361; Mayflo Oil Company (Operator), et al., Docket No. RI62-362; N. Bruce Calder and Curtis E. Calder Jr., d/b/a Horizon Oil & Gas Company (Operator), et al., Docket No. RI62-363; Texaco Inc., Docket No. RI62-364; Edwin L. Cox, Docket No. RI62-365; Edwin L. Cox (Operator), et al., Docket No. RI62-366; Anadarko Production Company, Docket No. RI62-367; Standard Oil Company of Texas, A Division of California Oil Company, Docket Nos. RI62-368 and RI62-369; Standard Oil Company of Texas, A Division of California Oil Company (Operator), Docket No. RI62-370; Standard Oil Company of Texas, A Division of California Oil Company (Operator), et al., Docket No. RI62-371.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. Sales made in Docket Nos. RI62-357, RI62-358, RI62-359, and RI62-360 are made at a pressure base of 15.025 psia, and all other sales are made at a pressure base of 14.65 psia. Standard Oil Company of Texas, A Division of California Oil Company, in Docket No. RI62-368, Standard Oil Company of Texas, A Division of California Oil Company, in Docket No. RI62-369, Standard Oil Company of Texas, A Division of California Oil Company (Operator), in Docket No. RI62-370, and Standard Oil Company of Texas, A Division of California Oil Company (Operator), et al., in Docket No. RI62-371, has submitted seven rate schedule supplements involving renegotiated rates for gas sales to El Paso Natural Gas Company in the Permian Basin Area. Three of the renegotiations result in increases (two supplements in Docket No. RI62-368; and one supplement in Docket No. RI62-371) totaling \$2,949 annually, three result in rate decreases (two supplements in Docket No. RI62-369; and one supplement in Docket No. RI62-371) totaling \$58,157 annually, and one renegotiation that results in no change in the currently effective rate. The renegotiated rates are provided by amendatory agreements entered into pursuant to El Paso's contract renegotiation program in the Permian Basin Area, and are submitted in replacement of previously filed favored nation rates which are now in effect subject to refund. All of the proposed rates exceed the 11.0 cents per Mcf ceiling for increased rates in the Permian Basin Area of Texas and New Mexico. The proposed changes are designated as follows:



| Docket No.  | Respondent                                                                                                                                    | Rate schedule No. | Supplement No. | Purchaser and producing area                                                                                 | Amount of annual increase | Date filing tendered | Effective date <sup>1</sup> unless suspended | Date suspended until— | Cents Per Mcf         |                         | Rate in effect subject to refund in Docket Nos. |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------|--------------------------------------------------------------------------------------------------------------|---------------------------|----------------------|----------------------------------------------|-----------------------|-----------------------|-------------------------|-------------------------------------------------|
|             |                                                                                                                                               |                   |                |                                                                                                              |                           |                      |                                              |                       | Rate in effect        | Proposed increased rate |                                                 |
| RI62-357... | Tidewater Oil Co., P.O. Box 1404, Houston 1, Tex.                                                                                             | 102               | 2              | American Louisiana Pipeline Co. (Lacassine Refuge Field, Cameron Parish, La.).                               | \$35,119                  | 2-23-62              | 4-1-62                                       | 9-1-62                | 19.75                 | <sup>2</sup> 22.25      | -----                                           |
| RI62-358... | The Textstar Corp., et al., 2000 National Bank of Commerce Bldg., San Antonio 5, Tex.                                                         | 4                 | 7              | American Louisiana Pipeline Co. (West Little Chenier Field, Cameron Parish, La.).                            | 8,641                     | 2-23-62              | 3-26-62                                      | 8-26-62               | 19.75                 | <sup>2</sup> 22.25      | -----                                           |
| RI62-359... | General Crude Oil Co. (Operator), et al., P.O. Box 2252, Houston 1, Tex.                                                                      | 9                 | 13             | United Fuel Gas Co. (Little Pecan Lake Field, Cameron Parish, La.).                                          | 3,204                     | 2-27-62              | 4-1-62                                       | 9-1-62                | 20.8                  | <sup>2</sup> 21.2       | -----                                           |
| RI62-360... | Austral Oil Co., Inc. (Operator), agent for Oil Participations Inc., 300 San Jacinto Bldg., Houston 2, Tex.                                   | 8                 | 5              | American Louisiana Pipeline Co. (West Little Chenier Perdue Field, Cameron Parish, La.).                     | 8,984                     | 2-26-62              | 3-29-62                                      | 8-29-62               | 19.75                 | <sup>2</sup> 22.25      | -----                                           |
| RI62-361... | Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City 2, Okla.                                                                  | 32                | 6              | Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).                                   | 108                       | 2-12-62              | 3-21-62                                      | 8-21-62               | 17.0                  | <sup>2,3</sup> 17.2     | RI61-363                                        |
|             |                                                                                                                                               |                   | 6              | do.                                                                                                          | 95                        | 2-12-62              | 3-21-62                                      | 8-21-62               | 17.0                  | <sup>2,3</sup> 17.2     | RI61-365                                        |
|             |                                                                                                                                               |                   | 2              | Natural Gas Pipeline Co. of America (East Camrick Field, Beaver County, Okla.).                              | 35                        | 2-12-62              | 3-21-62                                      | 8-21-62               | 17.0                  | <sup>2,3</sup> 17.2     | -----                                           |
| RI62-362... | Mayflo Oil Co., (Operator), et al., 1435 Republic National Bank, Dallas 1, Tex.                                                               | 4                 | 3              | Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.).                                    | 720                       | 2-12-62              | 3-21-62                                      | 8-21-62               | 16.8                  | <sup>4</sup> 17.2       | -----                                           |
|             |                                                                                                                                               |                   | 2              | do.                                                                                                          | 60                        | 2-23-62              | 3-26-62                                      | 8-26-62               | 17.0                  | <sup>2</sup> 17.2       | RI61-406                                        |
| RI62-363... | N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co. (Operator), et al., 1818 Republic National Bank, Bldg., Dallas 1, Tex. | 11                | 3              | do.                                                                                                          | 290                       | 2-23-62              | 3-26-62                                      | 8-26-62               | 17.0                  | <sup>2</sup> 17.2       | RI61-406                                        |
|             |                                                                                                                                               |                   | 2              | do.                                                                                                          | 290                       | 2-23-62              | 3-26-62                                      | 8-26-62               | 17.0                  | <sup>2</sup> 17.2       | -----                                           |
| RI62-364... | Texaco Inc., P.O. Box 2332, Houston, Tex.                                                                                                     | 173               | 2              | Panhandle Eastern Pipe Line Co. (Richfield Area, Morton County, Kans.).                                      | 486                       | 2-19-62              | 4-11-62                                      | 9-11-62               | 16.0                  | <sup>2</sup> 17.0       | -----                                           |
| RI62-365... | Edwin L. Cox, 2100 Adolphus Tower, Dallas 2, Tex.                                                                                             | 8                 | 6              | Natural Gas Pipeline Co. of America (Texas County, Okla.).                                                   | 229                       | 2-19-62              | 3-22-62                                      | 8-22-62               | 17.0                  | <sup>2</sup> 17.2       | RI61-405                                        |
|             |                                                                                                                                               |                   | 6              | Panhandle Eastern Pipe Line Co. (Texas County, Okla.).                                                       | 245                       | 2-19-62              | 3-22-62                                      | 8-22-62               | 16.8                  | <sup>2</sup> 17.0       | RI61-366                                        |
| RI62-366... | Edwin L. Cox (Operator), et al.                                                                                                               | 19                | 4              | Natural Gas Pipeline Co. of America (Beaver County, Okla.).                                                  | 394                       | 2-19-62              | 3-22-62                                      | 8-22-62               | 17.0                  | <sup>2</sup> 17.2       | RI61-367                                        |
| RI62-367... | Anadarko Production Co., P.O. Box 351, Liberal, Kans.                                                                                         | 17                | 2              | Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).                                   | 276                       | 2-23-62              | 3-26-62                                      | 8-26-62               | 17.0                  | <sup>2</sup> 17.2       | RI61-457                                        |
|             |                                                                                                                                               |                   | 2              | Natural Gas Pipeline Co. of America (Southeast Boyd Field, Beaver County, Okla.).                            | 364                       | 2-23-62              | 3-26-62                                      | 8-26-62               | 17.0                  | <sup>2</sup> 17.2       | RI61-457                                        |
| RI62-368... | Standard Oil Co. of Texas, a division of California Oil Co., P.O. Box 1249, Houston 1, Tex.                                                   | 25                | 4              | El Paso Natural Gas Co. (Pecos Valley Fusselman Field, Pecos County, Tex.) (R.R. Dist. No. 8).               | 624                       | 2-26-62              | 3-29-62                                      | 8-29-62               | 15.06875              | <sup>5</sup> 15.70925   | RI60-337                                        |
|             |                                                                                                                                               |                   | 6              | El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.).                                                 | 967                       | 2-26-62              | 3-29-62                                      | 8-29-62               | 15.06875              | <sup>11</sup> 15.55987  | RI60-337                                        |
|             |                                                                                                                                               |                   | 7              | El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.).                                         | <sup>7</sup> 135          | 2-26-62              | 3-29-62                                      | <sup>12</sup> 3-30-62 | <sup>9</sup> 17.06566 | <sup>8</sup> 15.55987   | RI61-161                                        |
| RI62-369... | Standard Oil Co. of Texas, a division of California Oil Co.                                                                                   | 35                | 7              | do.                                                                                                          | <sup>7</sup> 49           | 2-26-62              | 3-29-62                                      | <sup>12</sup> 3-30-62 | <sup>9</sup> 17.06566 | <sup>8</sup> 15.55987   | RI61-161                                        |
|             |                                                                                                                                               |                   | 7              | do.                                                                                                          |                           | 2-26-62              | 3-29-62                                      | <sup>12</sup> 3-30-62 | 13.68225              | <sup>10</sup> 13.68225  | RI60-337                                        |
|             |                                                                                                                                               |                   | 4              | El Paso Natural Gas Co. (Wilshire Ellenburger-Amacker Tippet Field, Upton County, Tex.) (R.R. Dist. No. 7e). |                           | 2-26-62              | 3-29-62                                      | <sup>12</sup> 3-30-62 | 16.1080               | <sup>11</sup> 16.2160   | RI60-338                                        |
| RI62-370... | Standard Oil Co. of Texas, a division of California Oil Co. (Operator).                                                                       | 22                | 8              | El Paso Natural Gas Co. (Kelly-Snyder Field, Scurry County, Tex.) (R.R. Dist. No. 8).                        | 1,358                     | 2-26-62              | 3-29-62                                      | <sup>12</sup> 3-30-62 | 16.61727              | <sup>8</sup> 15.1114    | RI61-161                                        |
| RI62-371... | Standard Oil Co. of Texas, a division of California Oil Co. (Operator), et al.                                                                | 36                | 6              | El Paso Natural Gas Company (various fields, Lea County, N. Mex.).                                           | <sup>7</sup> 19,320       | 2-26-62              | 3-29-62                                      | <sup>12</sup> 3-30-62 | 17.06566              | <sup>8</sup> 15.55987   | RI61-161                                        |
|             |                                                                                                                                               |                   |                | do.                                                                                                          | <sup>7</sup> 38,653       | -----                | -----                                        | -----                 | -----                 | -----                   | -----                                           |

<sup>1</sup> The stated effective date is the first day after expiration of the required statutory notice, or, if later, the date proposed by the respondent.

<sup>2</sup> Periodic rate increase.

<sup>3</sup> Subject to downward Btu adjustment.

<sup>4</sup> Two-step periodic adjustment.

<sup>5</sup> Includes deduction of 0.4466 cents per Mcf for sour gas.

<sup>6</sup> Renegotiated increase filed to supersede a favored nation increase previously filed.

<sup>7</sup> Amount of annual decrease.

<sup>8</sup> Decrease filed to supersede a favored nation increase previously filed.

<sup>9</sup> Includes deduction of 0.4467 cents per Mcf for gas delivered below 600 psig.

<sup>10</sup> Renegotiated rate equals favored nation rate.

<sup>11</sup> Renegotiated-tax reimbursement.

<sup>12</sup> The suspension period is limited to 1 day.

The suspension periods applicable to Standard Oil Company of Texas in Docket Nos. RI62-369, RI62-370, and RI62-371 may be shortened to one day.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56). The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commis-

sion enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by the Standard Oil Company of Texas in Docket Nos. RI62-369, RI62-370, and RI62-371 suspended for one day, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this



order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before May 7, 1962.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 62-2879; Filed, Mar. 26, 1962;  
8:46 a.m.]

[Docket No. G-20270]

#### UNITED FUEL GAS CO.

#### Order Conditionally Approving Rate Settlement and Providing for Limited Hearing

MARCH 20, 1962.

On November 17, 1961, United Fuel Gas Company (United Fuel), an affiliate in the Columbia Gas System, Inc., filed a motion requesting that the Commission issue an order approving a proposed rate settlement based upon a Stipulation and Agreement and a Supplement thereto submitted with such motion. The Stipulation and Agreement dated June 1, 1961,<sup>1</sup> was executed by United Fuel, all of its customers, and certain non-customer intervenors following a field investigation by the Commission staff of United Fuel's books, records, and operations and following conferences (concluded May 11, 1961) between United Fuel, its customers, non-customer intervenors, and members of the Commission staff. Simultaneously, United Fuel also filed a supplemental agreement dated October 16, 1961 (Exhibit II)<sup>2</sup> executed by the signatories to the settlement agreement other than City of Pittsburgh, Pennsylvania.

The Stipulation and Agreement provides for two costs of service<sup>3</sup> which are

to be used as bases for determination of rate design after hearing. The first cost of service is for the test year ended March 31, 1960, and will be used as the basis for determining rates from April 5, 1960, the date increased rates originally proposed herein became effective subject to refund, until May 1, 1961; it reflects a reduction in jurisdictional revenues of about \$8,949,300 on an annual basis. The second cost of service is based on the same test year but with adjustments to reflect increased purchased gas costs;<sup>4</sup> it will be used as the basis for determining rates from and after May 1, 1961, and reflects a reduction in jurisdictional revenues of about \$8,325,000 on an annual basis.

Under that Stipulation and Agreement, two issues are reserved for hearing and determination by the Commission in this proceeding: (1) The level of the demand and commodity components of the rate in United Fuel's contract demand service rate schedule and the rate levels in its other rate schedules; and (2) the depreciation rates of United Fuel to be applied to its underground storage and transmission properties and to its Kenova Extraction Plant. After hearing and determination of the above issues, United Fuel will appropriately revise its present rates, effective subject to refund in this proceeding, and will make refunds, plus interest, reflecting the revisions in rates.

The Stipulation and Agreement also provides that United Fuel will not file increased rates and charges with the Commission prior to April 1, 1962, except in the event and to the extent that Tennessee Gas Transmission Company (Tennessee Gas) files for increased rates and charges to United Fuel. In addition, United Fuel shall further reduce its rates and make appropriate refunds if (1) Boldman Compressor Station, reflected in the costs of service (see Exhibit I, Appendix C),<sup>5</sup> is not transferred to United Fuel by Atlantic Seaboard Corporation;<sup>6</sup> and (2) if the State of Texas refunds to United Fuel severance beneficiary taxes reflected in the costs of service. Finally, United Fuel will further reduce its rates to the extent suppliers reduce rates to United Fuel which are reflected in the settlement costs of service; and United Fuel will make refunds to the extent and in the manner that suppliers make refunds to United of charges reflected in the costs of service.

The Supplement to the Agreement purports to revise a provision in the Agreement concerning the treatment of Tennessee Gas' present rates and charges to United Fuel. Prior to settlement negotiations, Tennessee Gas had filed increased rates and charges which became effective subject to refund on April 5, 1960, in the proceeding in Docket No. G-19983. The Commission determined that the rate of return reflected in Tennessee Gas' increased rates was excessive and by order of August 9, 1960, accordingly required Tennessee Gas to make refunds and to file interim revised rates subject to further determinations in Docket G-19983. It was provided in the United Fuel settlement Agreement, among other things, that Tennessee Gas' interim rates are to be reflected in the settlement costs of service. Subsequent to the execution of the settlement Stipulation and Agreement, the United States Court of Appeals for the Fifth Circuit affirmed on appeal the Commission's determination of Tennessee Gas' rate of return but disapproved the requirement that Tennessee Gas file interim rates.<sup>7</sup> Thereafter the signatories to the Stipulation and Agreement, other than City of Pittsburgh, executed a supplementary agreement providing in effect that the settlement costs of service be increased to reflect rates and charges to United Fuel at levels originally filed by Tennessee Gas in Docket No. G-19983. The Kentucky Cities and Pennsylvania Public Utility Commission, non-signatories to the Stipulation and Agreement, and City of Pittsburgh have filed objections to the Supplement.

Upon review of the Stipulation and Agreement (Exhibit I),<sup>8</sup> the studies in support thereof, and the Supplement thereto, we deem the proposed rate settlement as based on said Stipulation and Agreement and the studies in support thereof to be in the public interest, if modified as hereinafter indicated. However as to the Supplement, there appears to be no imminent prospect that the rates originally filed by Tennessee in Docket No. G-19983 will be reinstituted. The Supplement therefore appears unwarranted and should be disapproved. If changed conditions after hearing on the reserved issues warrant our reconsidering the proposal in the Supplement, United may then seek such relief as it deems necessary.

On our own motion, we deem it appropriate to add two conditions to our approval of the proposed rate settlement. The Agreement provides for flow-through by United Fuel of refunds from suppliers to the extent and in the same manner that the suppliers make refunds of charges reflected in the settlement costs of service. Since there will be a hearing on rate design it appears more appropriate to leave for determination in such hearing the manner in which refunds and rate reductions shall be made by United Fuel. We shall, therefore, condition our approval of the settlement agreement by providing for hearing on the manner of reducing rates and making refunds.

Another condition is appropriate with regard to the proceeding in Docket No. CP61-107. United Fuel and certain affiliates are seeking approval in that proceeding

Another condition is appropriate with regard to the proceeding in Docket No. CP61-107. United Fuel and certain affiliates are seeking approval in that proceeding

<sup>5</sup> Tennessee Gas Transmission Company v. F.P.C., 293 F. 2d 761 (CA5, 1961), cert. granted, sub. nom. F.P.C. v. Tennessee Gas Transmission Company (October Term, 1961, No 501).

<sup>1</sup> Filed as part of the original document.  
<sup>2</sup> See Exhibit I, Appendix A, filed as part of the original document. The total costs there stated should be reduced by the elimination of adjustment (5), as provided in the settlement agreement, in accord with the recently final decision in City of Lexington, et al. v. F.P.C., 295 F. 2d 109 (CA4, 1961). This reduction renders moot certain objections filed by City of Pittsburgh, the Pennsylvania Public Utility Commission, and the Kentucky Cities group.  
<sup>3</sup> These adjustments reflect increases by Columbian Fuel Corporation and increases which are effective subject to refund in certain Louisiana independent producer proceedings and in United Carbon Corporation, Docket No. R161-269.  
<sup>4</sup> Approval for the transfer of this and other facilities is being sought in the proceeding in Docket No. CP61-107.



ceeding for the transfer of certain facilities to United Fuel. The settlement costs of service now reflect the costs of one of those facilities, Boldman Compressor Station,<sup>6</sup> but not other facilities which may be transferred to United Fuel. We believe that United Fuel should be permitted to file revised costs of service and associated revised rates, subject to our approval, which it may deem necessary and appropriate to transfer of facilities approved in the proceeding in Docket No. CP61-107.<sup>7</sup>

The Commission finds:

(1) The settlement of the proceeding in Docket No. G-20270 on the basis of the Stipulation and Agreement (Exhibit I),<sup>1</sup> as hereinafter modified, is reasonable, proper, and in the public interest in carrying out the provisions of the Natural Gas Act and the proposed rate settlement based thereon should be approved and made effective subject to the terms and conditions hereinafter ordered, but the Supplement (Exhibit II)<sup>2</sup> should be disapproved and rejected.

(2) The rates and charges in United Fuel's revised tariff sheets comprising Rate Schedules CDS-1, AOS-1, SGS-1, and ES-1, tendered for filing in this proceeding, have not been shown to be just, reasonable, or otherwise lawful under the terms and provisions of the Natural Gas Act, and should be disallowed and denied as hereinafter ordered.

(3) A hearing should be held in this proceeding as hereinafter provided.

The Commission orders:

(A) The increased rates and charges tendered for filing in this proceeding hereby are disallowed and denied.

(B) The settlement of this proceeding as proposed in the Stipulation and Agreement discussed above (Exhibit I),<sup>2</sup> is approved and made effective.

(C) The Supplement to the Stipulation and Agreement filed by United Fuel in this proceeding is disapproved and rejected.

(D) Notwithstanding the provision in the Agreement for a moratorium on increased rate filings by United Fuel, in the event and to the extent that transfers of facilities to United Fuel are approved in the proceeding in Docket No. CP61-107, United Fuel may tender for filing, subject to approval by the Commission, revisions to the settlement costs of service for the period from and after the date of transfer as may be permitted by, or otherwise appropriate to the transfer of facilities in the proceeding in Docket No. CP61-107; if all the issues to be heard in the proceeding in Docket No. G-20270 have been determined prior to said approval of the transfer of facilities, United Fuel may also tender for filing, subject to approval of the Commission, revisions in rates appropriate to the revised costs of service tendered for filing as hereby permitted.

<sup>1</sup> Filed as part of the original document.

<sup>6</sup> These costs will be refunded if the station is not transferred to United Fuel.

<sup>7</sup> Similarly, in Atlantic Seaboard Corporation, Docket No. G-20272 (orders issued December 29, 1961, and February 19, 1962) we required Atlantic Seaboard to reduce its rates if it transferred subject facilities to United Fuel.

(E) A hearing shall be held in this proceeding to commence on a date to be fixed by notice of the Secretary or order of the Commission, concerning the following issues:

1. The level of the demand and commodity components of the rate in Rate Schedule CDS-1 and the rate levels in Rate Schedules AOS-1, SGS-1, and ES-1, included in United Fuel's FPC Gas Tariff, Fifth Revised Volume No. 1 applicable (i) to the period April 5, 1960, through April 30, 1961, and (ii) to be effective on and after May 1, 1961, until superseded.

2. The manner in which United Fuel shall make refunds or further revise its rates pursuant to the settlement agreement or the provisions of Paragraph D above.

3. The depreciation rates of United Fuel to be applied to its underground storage and transmission properties and to its Kenova Extraction Plant.

(F) United Fuel shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of issuance of this order, in writing and under oath, an original and one copy of its acceptance or rejection of the terms and conditions of this order.

(G) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by the Commission, United Fuel, the Commission staff, or any affected party herein, in any proceeding now pending or hereafter instituted by or against United Fuel or any other companies, persons, or parties affected by this order.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 62-2880; Filed, Mar. 26, 1962;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 22, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 37614: *Drain tile to points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2230), for interested rail carriers. Rates on drain tile, in carloads, from specified points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska to points in western trunk line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 47 to Western Trunk Line Committee tariff I.C.C. A-4338.

FSA No. 37615: *Iron or steel articles to Brookhaven and Laurel, Miss.* Filed by Illinois Freight Association, Agent (No. 160), for interested rail carriers. Rates on bars or rods, noibn, plate, or sheet, noibn, galvanized, painted or plain, corrugated or not corrugated, in carloads, from Chicago, Ill., and points grouped therewith, Joliet and South Chicago, Ill., Gary and Indiana Harbor, Ind., to Brookhaven and Laurel, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 23 to Illinois Freight Association tariff I.C.C. 946.

FSA No. 37616: *Iron and steel articles to points in Mississippi.* Filed by Illinois Freight Association, Agent (No. 161), for interested rail carriers. Rates on iron or steel articles, viz: Angles, channels, piling, sheets and tees, in carloads, from Chicago, Ill., and points grouped therewith, Joliet and South Chicago, Ill., Gary and Indiana Harbor, Ind., to Elton, Jackson, Tougaloo and Van Winkle, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 23 to Illinois Freight Association tariff I.C.C. 946.

FSA No. 37617: *Iron or steel piling to New Orleans, La.* Filed by Illinois Freight Association, Agent (No. 162), for interested rail carriers. Rates on piling, iron or steel, in carloads, from Chicago, Ill., and points grouped therewith, Joliet and South Chicago, Ill., Gary and Indiana Harbor, Ind., to New Orleans, La.

Grounds for relief: Barge competition.

Tariff: Supplement 23 to Illinois Freight Association tariff I.C.C. 946.

FSA No. 37618: *Fertilizer and fertilizer materials from Rockland, Fla.* Filed by O. W. South, Jr., Agent (No. A4161), for interested rail carriers. Rates on superphosphate, fertilizer, and fertilizer materials, as described in the application, in carloads, from Rockland, Fla., to points in official (including Illinois) territory.

Grounds for relief: Market competition.

Tariff: Supplement 31 to Southern Freight Association tariff I.C.C. S-128.

FSA No. 37620: *Empty returned aluminum beer cans from and to points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4163), for interested rail carriers. Rates on cans, aluminum, beer, in bags, in mixed carloads with other empty containers returned, the weight of aluminum beer cans not to exceed 1,000 pounds, between points in (a) Mississippi Valley gateway territory, and (b) Mississippi Valley gateway territory, on the one hand, and points in southern Illinois and eastern Missouri, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 21 to Southern Freight Association tariff I.C.C. S-215.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 37619: *Superphosphate from Rockland, Fla., to New England points.* Filed by O. W. South, Jr., Agent (No. A4162), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate nor feed grade



superphosphate, in bulk, in carloads, from Rockland, Fla., to specified points in Connecticut, Massachusetts, and Rhode Island.

Grounds for relief: Maintenance of depressed rates established to meet rail-water-truck competition without having to use such rates as factors in constructing combination rates.

Tariff: Supplement 31 to Southern Freight Association tariff I.C.C. S-128.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-2896; Filed, Mar. 26, 1962;  
8:48 a.m.]

[Notice 614]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 22, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64835. By order of March 20, 1962, the Transfer Board approved the transfer to George B. Old and Edward G. Brown, a partnership, doing business as Brown & Old Company, Spokane, Wash., of the claimed operating rights of Refrigerated Service, Inc., Walla Walla, Wash., under the "grandfather clause" of section 7 of the Transportation Act of 1958 (72 Stat. 574), for which permanent authority is sought in MC 118354 Sub 1 to transport frozen fruits, frozen berries, and frozen vegetables from points in Umatilla County, Oreg., Snohomish, Franklin, and Benton Counties, Wash., and Canyon County, Idaho, and points in California to points in Oregon, Washington, Idaho, Montana, North Dakota, South Dakota, Minnesota, California, Nevada, Arizona, Utah, Wyoming, Nebraska, Iowa, Illinois, Wisconsin, Kansas, Missouri, Indiana, and Ohio, including ports of entry on the international boundary between the United States and Canada located in Washington, Idaho, and Montana; and for the substitution of transferee in that proceeding. George R. LaBissoniere, 333 Central Building, Seattle 4, Wash., attorney at law.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-2897; Filed, Mar. 26, 1962;  
8:48 a.m.]

## OFFICE OF EMERGENCY PLANNING

### CALIFORNIA

#### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 6, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the State of California, adversely affected by floods beginning on or about February 7, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of California to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 6, 1962:

The counties of:  
Los Angeles.  
Ventura.

Dated: March 20, 1962.

EDWARD A. McDERMOTT,  
Acting Director.

[F.R. Doc. 62-2872; Filed, Mar. 26, 1962;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4028]

### POTOMAC EDISON CO. ET AL.

#### Notice of Proposed Charter Amendment Increasing Authorized Shares of Common Stock by Subsidiary Company, Issuance and Sale of Common Stock by Subsidiary Company, and Acquisition and Pledge Thereof by Holding Company

MARCH 19, 1962.

Notice is hereby given that The Potomac Edison Company ("Potomac Edison") 200 East Patrick Street, Frederick, Maryland, an electric utility company, a registered holding company and a subsidiary company of Allegheny Power System, Inc., a registered holding company, and Potomac Edison's electric utility subsidiary companies Northern Virginia Power Company ("Northern

Virginia"), Winchester, Virginia, Potomac Light and Power Company ("Potomac Light"), Martinsburg, West Virginia and South Penn Power Company ("South Penn"), Waynesboro, Pennsylvania, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10 and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

Potomac Light proposes to amend its charter to increase its authorized capital stock from 150,000 to 200,000 shares, par value \$100 per share.

Northern Virginia, Potomac Light and South Penn propose to issue and sell to Potomac Edison, from time to time as necessary prior to December 31, 1962, shares of their authorized and unissued capital stocks for a cash consideration equal to the aggregate par or stated value thereof as follows:

| Subsidiary                                        | Presently outstanding | Proposed to be issued | Cash consideration |
|---------------------------------------------------|-----------------------|-----------------------|--------------------|
| Northern Virginia:<br>Par value \$100 per share   | 175,000               | Shares 4,000          | \$400,000          |
| Potomac Light:<br>Par value \$100 per share       | 144,000               | 24,000                | 2,400,000          |
| South Penn:<br>No par, stated value \$5 per share | 1,038,000             | 100,000               | 500,000            |

Potomac Edison, the owner of all of the presently outstanding common stock of the three companies, proposes to acquire the shares and upon acquisition will pledge the shares pursuant to the provisions of an Indenture dated as of October 1, 1944, as supplemented, securing Potomac Edison's First Mortgage and Collateral Trust Bonds.

The proceeds of the sale will be used by the subsidiary companies to provide for necessary property additions and improvements.

The expenses incident to the proposed transactions are estimated not to exceed \$4,005, including a Federal original issue Tax of \$3,300. It is stated that the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the stock of Northern Virginia; the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the stock of South Penn; and the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition of the stock of the subsidiaries. A copy of the orders of each commission will be supplied by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 9, 1962, request in writing that a hearing



be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the

person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the joint application-declaration, as it will be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regu-

lations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 62-2884; Filed, Mar. 26, 1962;  
8:46 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MARCH

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during March.

| 3 CFR                                                                 | Page                                                        |
|-----------------------------------------------------------------------|-------------------------------------------------------------|
| PROCLAMATIONS:                                                        |                                                             |
| Nov. 5, 1891                                                          | 2706                                                        |
| 1917                                                                  | 2486                                                        |
| 1985                                                                  | 2486                                                        |
| 2160                                                                  | 2486                                                        |
| 2761A                                                                 | 2789, 2791                                                  |
| 3140                                                                  | 2789, 2791                                                  |
| 3144                                                                  | 2486                                                        |
| 3374                                                                  | 2486                                                        |
| 3450                                                                  | 1955                                                        |
| 3451                                                                  | 2027                                                        |
| 3452                                                                  | 2027                                                        |
| 3453                                                                  | 2215                                                        |
| 3454                                                                  | 2789                                                        |
| 3455                                                                  | 2791                                                        |
| EXECUTIVE ORDERS:                                                     |                                                             |
| 4962                                                                  | 2466                                                        |
| 10214                                                                 | 2585                                                        |
| 10713                                                                 | 2621                                                        |
| 11008                                                                 | 2143                                                        |
| 11009                                                                 | 2585                                                        |
| 11010                                                                 | 2621                                                        |
| 11011                                                                 | 2677                                                        |
| PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS: |                                                             |
| Letter, Mar. 16, 1962                                                 | 2677, 2809                                                  |
| 5 CFR                                                                 |                                                             |
| 6                                                                     | 2029, 2071, 2147, 2173, 2243, 2267, 2359, 2393, 2448, 2624. |
| 20                                                                    | 2793                                                        |
| 24                                                                    | 2624                                                        |
| 25                                                                    | 2759                                                        |
| 40                                                                    | 2173                                                        |
| 201                                                                   | 2505                                                        |
| 203                                                                   | 2505                                                        |
| 204                                                                   | 2505                                                        |
| 6 CFR                                                                 |                                                             |
| 421                                                                   | 1962, 2216, 2551                                            |
| 518-530                                                               | 2307                                                        |
| 519                                                                   | 2147                                                        |
| 7 CFR                                                                 |                                                             |
| 26                                                                    | 2551                                                        |
| 51                                                                    | 2307, 2355                                                  |
| 53                                                                    | 1963                                                        |
| 301                                                                   | 1963                                                        |
| 319                                                                   | 1963, 2240                                                  |
| 354                                                                   | 2267                                                        |
| 362                                                                   | 2267, 2793                                                  |
| 401                                                                   | 2759, 2760                                                  |
| 402                                                                   | 2760                                                        |
| 701                                                                   | 1964, 1966                                                  |
| 702-705                                                               | 1964                                                        |
| 709                                                                   | 1964                                                        |
| 714                                                                   | 1964                                                        |
| 717-718                                                               | 1964                                                        |

| 7 CFR—Continued | Page                                     |
|-----------------|------------------------------------------|
| 719             | 1964, 2591                               |
| 722             | 1964                                     |
| 723             | 1964, 2679                               |
| 725             | 1964, 2029, 2679                         |
| 727             | 1964                                     |
| 728             | 1964, 2147, 2680                         |
| 729             | 1964, 2448                               |
| 730             | 1964, 2680                               |
| 750             | 1964                                     |
| 775             | 1964, 2307                               |
| 801             | 1967                                     |
| 810             | 1967                                     |
| 813             | 2448                                     |
| 815-819         | 1967                                     |
| 842             | 1967                                     |
| 846-850         | 1967                                     |
| 855-858         | 1967                                     |
| 862             | 1967, 2357                               |
| 863-864         | 1967                                     |
| 866-868         | 1967                                     |
| 871             | 1967                                     |
| 876-877         | 1967                                     |
| 905             | 2071, 2072, 2505, 2552                   |
| 907             | 2072, 2174, 2307, 2393, 2552, 2624, 2760 |
| 908             | 2073, 2308, 2553, 2760                   |
| 909             | 2308                                     |
| 910             | 2073, 2309, 2359, 2553, 2594, 2761       |
| 911             | 2625                                     |
| 912             | 2073, 2309, 2554, 2761                   |
| 926             | 2309                                     |
| 949             | 2732                                     |
| 959             | 2074, 2277, 2594, 2762                   |
| 980             | 2762                                     |
| 989             | 2506, 2554, 2555                         |
| 1008            | 2029                                     |
| 1009            | 2030                                     |
| 1030            | 2556                                     |
| 1031            | 2031                                     |
| 1033            | 2032                                     |
| 1034            | 2032                                     |
| 1035            | 2033                                     |
| 1036            | 2034                                     |
| 1039            | 2035                                     |
| 1040            | 2036                                     |
| 1041            | 2036                                     |
| 1042            | 2037, 2451                               |
| 1043            | 2038                                     |
| 1044            | 2039                                     |
| 1045            | 2039                                     |
| 1046            | 2075                                     |
| 1047            | 2040                                     |
| 1049            | 2041                                     |
| 1064            | 2042                                     |
| 1068            | 2042                                     |
| 1069            | 2043                                     |
| 1095            | 2075                                     |
| 1097            | 2045                                     |
| 1099            | 2044                                     |

| 7 CFR—Continued | Page       |
|-----------------|------------|
| 1107            | 2595       |
| 1108            | 2085       |
| 1126            | 2557       |
| 1133            | 1968       |
| PROPOSED RULES: |            |
| 63              | 2369       |
| 730             | 2770       |
| 855             | 2373       |
| 900-999         | 2118, 2178 |
| 908             | 2608       |
| 922             | 2643       |
| 946             | 2695       |
| 959             | 2510       |
| 981             | 2319       |
| 984             | 2471       |
| 987             | 2477       |
| 1000-1159       | 2290       |
| 1001            | 2772, 2802 |
| 1004            | 2414       |
| 1006            | 2772, 2802 |
| 1007            | 2772, 2802 |
| 1010            | 2414       |
| 1014            | 2772, 2802 |
| 1015            | 2802       |
| 1048            | 2803       |
| 1073            | 2290       |
| 1074            | 2319       |
| 1107            | 2510       |
| 1108            | 2047       |
| 1120            | 2512       |
| 1195            | 2695       |
| 8 CFR           |            |
| 103             | 2681       |
| 212             | 2360       |
| 332a            | 2681       |
| 334             | 2681       |
| 499             | 2681       |
| 9 CFR           |            |
| 74              | 2087       |
| 89              | 2396       |
| 95              | 2397       |
| PROPOSED RULES: |            |
| 56              | 2178       |
| 76              | 2179       |
| 201             | 2802       |
| 10 CFR          |            |
| 30              | 2393       |
| 115             | 2682       |
| PROPOSED RULES: |            |
| 50              | 2479       |
| 12 CFR          |            |
| 1               | 2506       |
| 7               | 2278       |
| 8               | 2396       |
| 215             | 2310       |
| 217             | 2763       |



| 13 CFR                              | Page                               | 18 CFR—Continued                    | Page             | 32 CFR—Continued | Page                         |
|-------------------------------------|------------------------------------|-------------------------------------|------------------|------------------|------------------------------|
| 108.....                            | 2241                               | PROPOSED RULES—Continued            |                  | 592.....         | 2632                         |
| 120.....                            | 2793                               | 141.....                            | 2481             | 595.....         | 2634                         |
| 123.....                            | 2793                               | 154.....                            | 2705             | 596.....         | 2634                         |
| 302.....                            | 2241                               |                                     |                  | 597.....         | 2635                         |
| PROPOSED RULES:                     |                                    | 19 CFR                              |                  | 599.....         | 2635                         |
| 107.....                            | 2054, 2705                         | 6.....                              | 2285             | 600.....         | 2637                         |
| 121.....                            | 2482                               | 10.....                             | 2285             | 601.....         | 2637                         |
| 14 CFR                              |                                    | 12.....                             | 2795             | 602.....         | 2638                         |
| 41.....                             | 1977                               | 23.....                             | 2285             | 605.....         | 2639                         |
| 46.....                             | 2451                               | PROPOSED RULES:                     |                  | 606.....         | 2639                         |
| 60.....                             | 2794                               | 6.....                              | 2156             | 719.....         | 2507                         |
| 302.....                            | 2681                               | 20 CFR                              |                  | 730.....         | 2640                         |
| 507.....                            | 2147,                              | 345.....                            | 2175             | 750.....         | 2363                         |
| 2278, 2310, 2398, 2506, 2507,       | 2682,                              | 422.....                            | 2795             | 806.....         | 2602                         |
| 2763.                               |                                    | 21 CFR                              |                  | 888.....         | 2399                         |
| 514.....                            | 2595                               | 1.....                              | 2798             | 1001.....        | 2094                         |
| 550.....                            | 2595                               | 120.....                            | 2090, 2286       | 1002.....        | 2098                         |
| 570.....                            | 2045                               | 121.....                            | 2090,            | 1003.....        | 2402                         |
| 600.....                            | 2046,                              | 2091, 2313, 2361, 2362, 2456,       | 2568,            | 1459.....        | 2640                         |
| 2216, 2279, 2311, 2398, 2451—       | 2453,                              | 2569, 2733, 2799.                   |                  |                  |                              |
| 2721.                               |                                    | 131.....                            | 2798             | 32A CFR          |                              |
| 601.....                            | 2046,                              | 141a.....                           | 2362, 2456       | BPR (Ch. IX):    |                              |
| 2147, 2148, 2216, 2279, 2311, 2398, |                                    | 141b.....                           | 2362             | Thm-1.....       | 2685                         |
| 2451-2454, 2566, 2763, 2764, 2794   |                                    | 141c.....                           | 2362             | OIA (Ch. X):     |                              |
| 602.....                            | 2010, 2174, 2279, 2311             | 141d.....                           | 2362             | OI Reg. 1.....   | 2603                         |
| 608.....                            | 2452, 2453, 2566, 2721, 2764, 2794 | 141e.....                           | 2362             | PROPOSED RULES:  |                              |
| 609.....                            | 2217, 2221, 2228, 2234, 2722, 2726 | 146.....                            | 2313, 2733, 2799 | OIA (Ch. X):     |                              |
| 610.....                            | 2280                               | 146a.....                           | 2456             | OI Reg. 1.....   | 2014, 2118                   |
| PROPOSED RULES:                     |                                    | 165.....                            | 2798             |                  |                              |
| 40.....                             | 2319                               | 191.....                            | 2091, 2457, 2570 | 33 CFR           |                              |
| 41.....                             | 2319                               | PROPOSED RULES:                     |                  | 202.....         | 2800                         |
| 42.....                             | 2319                               | 120.....                            | 2123, 2373       | 204.....         | 2465, 2508                   |
| 60.....                             | 2183                               | 121.....                            | 2015,            | 207.....         | 2465                         |
| 171 [New].....                      | 2803                               | 2016, 2053, 2158, 2183, 2291, 2373, |                  | 208.....         | 2177                         |
| 173 [New].....                      | 2803                               | 2573, 2608, 2645, 2802.             |                  | 401.....         | 2243                         |
| 175 [New].....                      | 2803                               | 305.....                            | 2770             | 36 CFR           |                              |
| 177 [New].....                      | 2803                               | 307.....                            | 2770             | 7.....           | 2150, 2151, 2469, 2607, 2770 |
| 179 [New].....                      | 2803                               | 22 CFR                              |                  | 311.....         | 2413                         |
| 191.....                            | 2533, 2736                         | 41.....                             | 2362             | PROPOSED RULES:  |                              |
| 201.....                            | 2775                               | 201.....                            | 2363             | 27.....          | 2289                         |
| 302.....                            | 2775                               | 24 CFR                              |                  | 38 CFR           |                              |
| 377.....                            | 2775                               | 203.....                            | 2175, 2600       | 2.....           | 2685                         |
| 399.....                            | 2775                               | 213.....                            | 2601             | 7.....           | 2287                         |
| 401.....                            | 2803                               | 220.....                            | 2601             | 36.....          | 2686                         |
| 414.....                            | 2803                               | 221.....                            | 2601             | 39 CFR           |                              |
| 415.....                            | 2803                               | 222.....                            | 2601             | 13.....          | 2101                         |
| 418.....                            | 2803                               | 233.....                            | 2601             | 35.....          | 2687                         |
| 507.....                            | 2053, 2292, 2573, 2703             | 234.....                            | 2601             | 36.....          | 2687                         |
| 514.....                            | 2479                               | 809.....                            | 2602             | 37.....          | 2687                         |
| 600.....                            | 2054, 2184, 2481, 2736             | 810.....                            | 2602             | 44.....          | 2101                         |
| 601.....                            | 2128,                              | 25 CFR                              |                  | 45.....          | 2687                         |
| 2157, 2184, 2250, 2292, 2293, 2323, |                                    | 73.....                             | 2457             | 61.....          | 2101, 2605                   |
| 2324, 2481, 2703.                   |                                    | 221.....                            | 2091             | 92.....          | 2339                         |
| 602.....                            | 2185, 2373, 2704, 2776             | PROPOSED RULES:                     |                  | 112.....         | 2102                         |
| 608.....                            | 2128,                              | 221.....                            | 2643             | 113.....         | 2687                         |
| 808' 2250, 2250, 2250, 2250, 2250,  |                                    | 26 CFR                              |                  | 121.....         | 2687                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 1.....                              | 2010, 2315       | 122.....         | 2687                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | PROPOSED RULES:                     |                  | 139.....         | 2687                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 48.....                             | 2104, 2607       | 168.....         | 2102, 2605, 2687             |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 28 CFR                              |                  | 41 CFR           |                              |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 42.....                             | 2625             | 5-2.....         | 2287                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 29 CFR                              |                  | 9-1.....         | 2364                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 101.....                            | 2092             | 9-51.....        | 2245                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 102.....                            | 2092             | PROPOSED RULES:  |                              |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 516.....                            | 2459             | 50-202.....      | 2250, 2532                   |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 779.....                            | 2093             | 42 CFR           |                              |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 138.....                            | 2315             | 72.....          | 2152                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 31 CFR                              |                  | PROPOSED RULES:  |                              |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 515.....                            | 2765             | 3.....           | 2123                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 32 CFR                              |                  | 55.....          | 2124                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 263.....                            | 2316             | 43 CFR           |                              |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 502.....                            | 2175             | 191.....         | 2318                         |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 590.....                            | 2628             | PROPOSED RULES:  |                              |
| 2250, 2250, 2250, 2250, 2250,       |                                    | 591.....                            | 2632             | 221.....         | 2118                         |



**43 CFR—Continued****PUBLIC LAND ORDERS:**

|      |      |
|------|------|
| 883  | 2366 |
| 1251 | 2605 |
| 1312 | 2570 |
| 1364 | 2508 |
| 1503 | 2466 |
| 2449 | 2571 |
| 2616 | 2103 |
| 2617 | 2365 |
| 2618 | 2366 |
| 2619 | 2366 |
| 2620 | 2366 |
| 2621 | 2466 |
| 2622 | 2466 |
| 2623 | 2466 |
| 2624 | 2467 |
| 2625 | 2468 |
| 2626 | 2469 |
| 2627 | 2508 |
| 2628 | 2570 |
| 2629 | 2570 |
| 2630 | 2571 |
| 2631 | 2571 |
| 2632 | 2572 |
| 2633 | 2605 |
| 2634 | 2764 |
| 2635 | 2765 |
| 2636 | 2765 |
| 2637 | 2800 |

**44 CFR**

|     |      |
|-----|------|
| 101 | 1956 |
| 110 | 1956 |

**46 CFR**

|     |                  |
|-----|------------------|
| 293 | 2766             |
| 375 | 2011             |
| 530 | 2046, 2469, 2641 |

**PROPOSED RULES:**

|        |                  |
|--------|------------------|
| CH. IV | 2646, 2647, 2776 |
| 510    | 2185, 2649       |

**47 CFR**

|   |                  |
|---|------------------|
| 1 | 2689             |
| 2 | 2012, 2735       |
| 3 | 2013, 2366, 2367 |
| 6 | 2367             |

**PROPOSED RULES:**

|    |            |
|----|------------|
| 3  | 2608, 2808 |
| 10 | 2318       |

**Page****49 CFR**

|     |      |
|-----|------|
| 122 | 2606 |
| 170 | 2318 |

**50 CFR**

|     |                  |
|-----|------------------|
| 33  | 2248, 2769, 2801 |
| 274 | 2641             |

**PROPOSED RULES:**

|     |      |
|-----|------|
| 260 | 2156 |
|-----|------|

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| (Revised)                   | 1.00   |
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| (Revised)                   | .70    |
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